SMITHSONIAN MISCELLANEOUS COLLECTIONS.
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THE SMITHSONIAN INSTITUTION:

DOCUMENTS RELATIVE TO ITS ORIGIN AND HISTORY.

EDITED BY
WILLIAM J. RHEES.

WASHINGTON:
PUBLISHED BY THE SMITHSONIAN INSTITUTION.
1879.

ADVERTISEMENT.

The Board of Regents of the Smithsonian Institution in January, 1878, requested its Secretary to prepare and publish a history of its origin and progress, such as he was pre-eminently qualified to furnish. The materials necessary for this purpose had in part been brought together, when the death of Professor Henry, on the 13th of May, prevented the carrying out of the original plan. As the documents collected are necessary to any future historian of the Institution, Mr. Wm. J. Rhees, who had been entrusted by Professor Henry with their selection, was requested by the Chancellor, Chief Justice Waite, to continue the work, and the present volume is the result of his labors.

In this will be found the Will of Smithson, all the Congressional debates and legislation relative to the bequest, and many documents which could probably only have been brought to light by one perfectly familiar with the operations of the Institution, Mr. Rhees having been associated with Professor Henry, as its Chief Clerk, for more than twenty-five years.

The amount of labor in the preparation of this volume, was very great, as all the data were procured from original sources. Manuscripts and documents were consulted in the Department of State, Treasury Department, the Capitol, and elsewhere; and every page of the voluminous records of the proceedings of Congress for more than forty years was carefully examined so that an account of everything relating to the Institution could be presented.

SPENCER F. BAIRD,
Secretary Smithsonian Institution.

WASHINGTON, *April*, 1879.

PREFACE.

Many individuals have become entitled to gratitude for gifts to a community or services to their country, but few have acquired distinction as the benefactors of mankind. The desire for posthumous fame has induced some to erect monuments to themselves by founding libraries, others by endowing schools of learning or charitable establishments; but very few have succeeded in devising a plan by which their names should not only acquire world-wide renown, but their benefactions be of universal application.

To James Smithson belongs the rare and proud distinction that his bequest is for no particular locality and confined to no limited period. His aim is to benefit all men, and is never-ending in its action.

Smithson selected the United States of America to carry into effect his noble design, believing that to confer a benefit on all mankind he could confide in a nation composed of representatives of all races, where no narrow interpretation would be given to his words, or selfish limitation be placed on his charity. Turning from the unstable monarchies and decaying empires of Europe, he sought for perpetuity of his ideas in the rising power and wonderful progress of the young republic.

Smithson's life was devoted to original research, as all his writings show, and accustomed to the use of the precise language of scientific investigators, he made the words of his will brief, but as explicit as his intention was clear to his own mind. Nevertheless his idea was in advance of popular intelligence in this country, and a discussion took place which rendered it impossible for eight years for Congress to adopt a plan to carry out his beneficent intention.

Legacies too often prove more fruitful of wasteful litigation or disputation than of immediate or general benefit, and the history of the Smithson bequest should prevent other philanthropists from

giving occasion to similar controversies. Notwithstanding the delay in establishing the Institution, and the difficulty in deciding on the best plan of organization, after more than thirty years of its active and useful existence, it is gratifying to know that the fund left by James Smithson not only remains unimpaired, but has been very largely increased.

There can be no doubt that Smithson's world-wide renown is due not only to his own acts, but to the enlightened, pure, and able administration of the trust, and that, with the name of the founder, will always be held in admiration and esteem that of the first Secretary of the Institution, Professor Joseph Henry. Of the many plans proposed for realizing the purposes of Smithson scarcely any would have carried his name beyond local reputation. Much larger bequests or gifts have been made by others to found *libraries*, and yet the names and foundations of such persons are scarcely known to the world. The Smithsonian library in Washington would have been no more to *mankind* than the Rush library in Philadelphia, the Lenox in New York, or the Newberry in Chicago, each of which has a foundation of more than a million of dollars.

That the collecting and publication of the materials composing this volume should have been so long delayed has been a matter of regret to all who wished to study the history of the Institution or or to become acquainted with the life and character of its founder. The fire in the Smithsonian building, in 1865, unfortunately destroyed the manuscripts of Smithson which had come into the possession of the Institution; a careful examination of these would have probably thrown additional light on his character and purposes. The present volume has been prepared by special direction of the Board of Regents to supply the want long felt by them and others. It is only to be regarded as a *mine* or store-house of material from which the history of the Institution can be hereafter prepared, and from which illustrations may be drawn of the enlarged or contracted views of our legislators, and the wise or visionary theories and schemes of literary and scientific men.

After a copy of the "Will" of Smithson, the whole of the correspondence resulting from it is given; the announcement of the bequest made to the Department of State by Mr. Vail, our Chargé d'Affaires at London; the appointment of Hon. Richard Rush as special agent of the United States to obtain the money, and all his letters while engaged in this business, in 1836, 1837, 1838; the opinions of the English solicitors; the decision of the Court of Chancery; the bill of costs of the suit; a schedule of the personal effects of Smithson, and an account of Mr. Rush's financial transactions.

The particulars are then given of the residuary legacy, or that part of the bequest left in England by Mr. Rush as the principal of an annuity to the mother of the nephew of Smithson; the steps taken by the Institution to procure this money in 1863, and how it was disposed of by act of Congress in 1867.

Then follows a reprint from the Congressional Globe and Record of all the legislation relative to the bequest or to the Smithsonian Institution from 1835 to 1878, the proceedings in the Senate and in the House of Representatives being given in order from the 24th to the 44th Congress. The parts of this section of the work of most general interest will be the debate on the propriety of the Government accepting the bequest and the discussions and reports on the various plans proposed for organizing the Institution.

The memorials and plans presented to Congress are printed in full so that a better understanding can be had of what our legislators had before them in considering the subject.

The history of the investment of the fund by order of Congress in State stocks, and of the financial management required in consequence, forms a large part of the volume, and is given in detail for the first time.

The account of the controversy which arose as to the management of the Institution, the appointment of a committee of investigation by the House of Representatives, the two reports of that committee, the debates in Congress and the final disposition of the matter, occupy considerable space.

For convenient reference the resolutions relative to the election of Regents and the printing of the annual reports are given. It has also been thought proper to insert the debates in regard to appropriations for the preservation of the collections of the Government placed in charge of the Smithsonian Institution.

Copious extracts are made from the diary of Hon. John Quincy Adams, which give the private history of the motives of action by committees, members of Congress, and public men, in regard to the early legislation respecting the bequest.

The proceedings in Congress present a great many plans and schemes proposed for the disposition of the bequest, and seem to embrace almost every possible suggestion, but as complete a collection as possible has also been made of the views of literary and scientific men not directly presented to Congress. These papers, while of unequal merit, have a value as illustrations of the thought of the time, and show not only how much attention was paid to securing a wise disposition of the Smithson fund, but to the wider subject of the general promotion of knowledge.

Following the programme of organization proposed by Professor Henry and adopted by the Board of Regents, are the opinions expressed by more than fifty of the most eminent literary and scientific men of the day.

This plan has stood the test of experience of more than thirty years and been found admirably adapted to the purpose intended; it has triumphed over all opposition, and is now universally regarded as wise, comprehensive, and satisfactory.

The Smithsonian is not a Government Institution, as is often supposed, but is a private foundation, originating entirely in the bequest of an individual. The management of the establishment, however, is entrusted to the Congress of the United States, and hence it is in more or less communication with that body. Even the printing of its annual reports occasions discussion, and a larger or smaller number of copies are ordered according to the varying mood or liberality of the legislators. As the national collections in natural history have been placed in charge of

the Smithsonian Institution, an appropriation must also be asked every year for their preservation and exhibition. The discussions thereby occasioned show how unfavorable they are to a quiet, undisturbed pursuit of the great ends of the Institution itself.

Acknowledgments are due for facilities and co-operation afforded by Mr. Spofford, Librarian of Congress; Mr. Dawson, Librarian of the House of Representatives; Mr. S. A. Brown, Chief Clerk, and Mr. Baker, of the Department of State; Capt. R. A. Bayley, of the Treasury Department; Messrs. W. B. Taylor, C. B. Young, and G. H. Boehmer of the Smithsonian Institution, and especially to the printers, Messrs. Judd & Detweiler, for their valuable services.

WILLIAM J. RHEES.

SMITHSONIAN INSTITUTION,
WASHINGTON, *April*, 1879.

CONTENTS.

SMITHSONIAN BEQUEST.

WILL OF JAMES SMITHSON.

I, James Smithson, son of Hugh, first Duke of Northumberland, and Elizabeth, heiress of the Hungerfords of Audley, and niece of Charles the Proud, Duke of Somerset, now residing in Bentinck street, Cavendish Square, do this 23d day of October, 1826, make this my last will and testament:

I bequeath the whole of my property of every nature and kind soever to my bankers, Messrs. Drummonds of Charing Cross, in trust, to be disposed of in the following manner, and desire of my said executors to put my property under the management of the court of chancery.

To John Fitall, formerly my servant, but now employed in the London Docks, and residing at No. 27, Jubilee Place, North Mile End, Old Town, in consideration of his attachment and fidelity to me, and the long and great care he has taken of my effects, and my having done but very little for him, I give and bequeath the annuity or annual sum of £100 sterling for his life, to be paid to him quarterly, free from legacy duty and all other deductions, the first payment to be made to him at the expiration of three months after my death. I have at divers times lent sums of money to Henry Honoré Juilly, formerly my servant, but now keeping the Hungerford Hotel, in the Rue Caumartin at Paris, and for which sums of money I have undated bills or bonds signed by him. Now, I will and direct that if he desires it, these sums of money be let remain in his hands at an interest of five per cent. for five years after the date of the present will.

To Henry James Hungerford, my nephew, heretofore called Henry James Dickinson, son of my late brother Lieut. Col. Henry Louis Dickinson, now residing with Mr.

Auboin, at Bourg la Reine, near Paris, I give and bequeath for his life the whole of the income arising from my property of every nature and kind whatever, after the payment of the above annuity, and after the death of John Fitall, that annuity likewise, the payments to be at the time the interest or dividends become due on the stocks or other property from which the income arises.

Should the said Henry James Hungerford have a child or children, legitimate or illegitimate, I leave to such child or children, his or their heirs, executors and assigns, after the death of his, her, or their father, the whole of my property of every kind absolutely and forever, to be divided between them, if there is more than one, in the manner their father shall judge proper, and in case of his omitting to decide this, as the Lord Chancellor shall judge proper.

Should my nephew Henry James Hungerford marry, I empower him to make a jointure.

In case of the death of my said nephew without leaving a child or children, or of the death of the child or children he may have had under the age of 21 years or intestate, I then bequeath the whole of my property, subject to the annuity of £100 to John Fitall, and for the security and payment of which I mean stock to remain in this country, to the United States of America, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men.

I think it proper here to state, that all the money which will be standing in the French five per cents. at my death in the names of the father of my above mentioned nephew, Henry James Hungerford, and all that in my name, is the property of my said nephew, being what he inherited from his father, or what I have laid up for him from the savings upon his income.

JAMES SMITHSON. [L. S.]

CORRESPONDENCE.

Clarke, Fynmore & Fladgate to A. Vail.

CRAVEN STREET, STRAND, [LONDON,] *July* 21, 1835.

SIR: We send you, enclosed, the copy of a will of Mr. Smithson, on the subject of which we yesterday did ourselves the pleasure of waiting upon you, and we avail ourselves of the opportunity to repeat, in writing, what we verbally communicated.

Pursuant to the instructions contained in the will, an amicable suit was, on the death of the testator, instituted in chancery by Mr. Hungerford, against Messrs. Drummonds, the executors, under which suit the assets were realized. They were very considerable; and there is now standing, in the name of the accountant general of the court of chancery, on the trusts of the will, stock amounting in value to about £100,000. During Mr. Hungerford's life he received the income arising from this property; but news has just reached England that Mr. Hungerford has died abroad, leaving no child surviving him.

It now becomes necessary that measures should be taken for the purpose of getting the decision of the court of chancery, as to the further disposition of the property. On reference to the will, it will appear that it is not very clearly defined to whom, on behalf of the United States, the property should be paid or transferred; indeed there is so much doubt, that we apprehend that the Attorney General must, on behalf of the crown of England, be joined in the proceedings which it is requisite that the United States should institute.

We act in this matter for Messrs. Drummond, the bankers, who are mere stake-holders, and who are ready to do all in their power to facilitate getting the decision of the court, and carrying into effect the testator's intentions.

We shall therefore be happy to communicate with such professional advisers as your Government may think fit to

appoint to act for them in this country. In the mean time, we may perhaps be permitted to add, that it is perfectly competent for us to carry on the proceedings, on behalf of the United States, and possibly some expense and delay may be avoided by our so doing.

Having thus briefly stated the nature of the business, we at present abstain from making any suggestions as to the party in whose name proceedings should be adopted, considering the point should be determined by our counsel here, after the opinion of the proper law officers in the States has been taken on the subject.

Any further information you may require, we shall be happy to give you, and are, sir,

Your most obedient servants,

CLARKE, FYNMORE & FLADGATE.

A. VAIL, Esquire, 49 *York Terrace.*

A. Vail to John Forsyth.

LEGATION OF THE UNITED STATES,
LONDON, *July* 28, 1835.

SIR: The papers which I have the honor herewith to communicate to you will acquaint you with the particulars of a bequest of property to a large amount, left to the United States by a Mr. James Smithson, for the purpose, as stated in the will, of founding, at Washington, an institution "for the increase and diffusion of knowledge among men." * * * * * * The letter of Messrs. Clarke, Fynmore & Fladgate, the solicitors, by whom I was apprised of the existence of the will, together with the inquiries I have made, leave no doubt of its having been established, and its dispositions recognized by the court of chancery, the first legatee under it having, for several years, and to the time of his death, received the income of the property, which is stated to have amounted to upwards of £4,000 per annum.

According to the view taken of the case by the solicitors, it is now for the United States, in the event of their accepting the bequest and the trust coupled with it, to come forward, by their representative, and make themselves parties to an amicable suit before the Lord Chancellor, for the pur-

pose of legally establishing the fact of the demise of the first legatee without children and intestate; prove their claim to the benefit of the will, and obtain a decree in chancery, awarding them the proceeds of the estate. Messrs. Clarke, Fynmore & Fladgate are willing to undertake the management of the suit on the part of the United States; and, from what I have learned of their standing, may safely be confided in. Not being acquainted with the exact structure of our institutions, they are not able to point out the exact manner in which the United States should be represented in the contemplated suit; but they believe that their diplomatic agent here, if constituted, for that purpose, the legal representative of the President, would be recognised by the court of chancery as the proper organ of the United States, for all the purposes of the will.

Should it be thought unnecessary to await the action of Congress to authorize the institution of the requisite legal proceedings, and should the course suggested by the solicitors meet the views of the President, his power of attorney authorizing the diplomatic agent here to act in his name, will, I apprehend, be necessary; and, as the suit will involve some expense not connected with the contingent fund of the legation, your instructions upon this branch of the subject will likewise be desirable.

I am, sir, with great respect,

Your obedient servant,

A. VAIL.

JOHN FORSYTH, Esq.,

Secretary of State of the United States, Washington.

John Forsyth to Aaron Vail.

DEPARTMENT OF STATE,
WASHINGTON, *September* 26, 1835.

SIR: I have the honor to acknowledge the receipt of your despatch of 28th July last, (No. 197,) relative to a bequest of property to a large amount left to the United States by Mr. James Smithson, for the purpose of founding at Washington an institution "for the increase and diffusion of knowledge among men;" and to inform you that your letter, and the papers which accompanied it, have been sub-

mitted to the President, who has determined to lay the subject before Congress at its next session. The result of its deliberations, when obtained, shall be communicated to you, with the necessary instructions.

Of the course intended to be pursued in relation to this matter, as above explained, you will take occasion to acquaint the solicitors who apprised you of the existence of Mr. Smithson's will.

I am, sir, your obedient servant,

JOHN FORSYTH.

AARON VAIL, Esq.,
Chargé d'Affaires of the United States, London.

John Forsyth to Richard Rush.

DEPARTMENT OF STATE, *July* 11, 1836.

SIR: I have the honor to inform you that the President, in pursuance of an act of Congress passed at their recent session, has been pleased to appoint you the agent of the United States to assert and prosecute their claim to the legacy bequeathed to them by James Smithson, late of London, deceased. Your power of attorney or commission is herewith remitted, with an authenticated copy of the act referred to annexed to it. It is the wish of the President that you should, in the event of your acceptance of this trust, embark for London without unnecessary loss of time, to enter on the duties of the appointment. Previously to leaving the United States, however, it will be necessary, in compliance with the provisions of the accompanying act of Congress, to execute to, and deposite with, the Secretary of the Treasury, with good and sufficient securities, to his satisfaction, a bond or bonds, in the penal sum of $500,000, for the proper performance of those duties, and for the faithful remittance to the Treasury of the United States of such sum or sums of money, or other funds, as you may receive in virtue of said bequest.

The compensation to be allowed you for your services in this capacity will be at the rate of $3,000 per annum for your personal services, and at the rate of $2,000 for all contingencies except the law expenses. Compensation to begin from the day you report yourself ready to enter on

the duties of the office. An account of the law expenses, with vouchers, will be required.

A letter of credit on M. de Rothschild, the banker of the United States at London, authorizing him to pay your drafts for compensation, and for the necessary expenses actually incurred in the prosecution of this claim, is also enclosed, limited to $10,000, being the whole amount appropriated by Congress for that object.

I am, sir, your obedient servant,

JOHN FORSYTH.

RICHARD RUSH, Esq., &c.

Richard Rush to Clarke, Fynmore & Fladgate.

PORTLAND HOTEL, GREAT PORTLAND STREET,
LONDON, *September* 14, 1836.

GENTLEMEN: Referring to your correspondence with the chargé d'affaires of the United States, in July, 1835, on the Smithsonian bequest to the United States, I beg leave to inform you that I have arrived here with full power from the President, founded on an act of Congress, to assert the right of the United States to that bequest, and receive the money. I should be happy to have an interview with you on this subject; to which end I ask the favor of you to call upon me on Friday morning at 11 o'clock; or, should that be inconvenient to you, at such other time, near at hand, as you will have the goodness to name.

I remain your most obedient servant,

RICHARD RUSH.

To Messrs. CLARKE, FYNMORE & FLAGDATE,
Solicitors, Craven street, Strand.

Richard Rush to John Forsyth.

LONDON, *September* 24, 1836.

SIR: I had the honor to inform you, on the 31st of August, of my arrival at Liverpool, having embarked in the first ship that sailed from New York after my letter of the 1st of August, informing you that I was ready.

I reached this city the early part of the present month, and, as soon as circumstances would permit, entered upon the duty which the President's power of attorney devolves upon me.

Towards asserting and prosecuting with effect, before the legal tribunals of England, the claim of the United States to the legacy bequeathed to them by James Smithson, of London, to found, at Washington, an institution "for the increase and diffusion of knowledge among men," the first consideration which seemed to present itself was, the selection of fit legal characters here, through whose aid and instrumentality the incipient steps could alone be judiciously marked out or adopted. In a country where the profession of the law is known to be so subdivided as in this, I regarded it important that not only the counsel whose services it may ultimately become necessary to engage, but the solicitors to be approached in the first instance, should have a standing suited to the nature of the case, and the dignity of the constituent I represent. The letter addressed you in July, 1835, by the late chargé d'affaires of the United States at this Court, left little doubt, indeed, that Messrs. Clarke, Fynmore, & Flagdate, were proper solicitors; yet, as the President's power to me, and your instructions, appeared to place the whole subject anew in my hands, some previous inquiry into their standing seemed necessary on my part. This I set on foot, and am glad to say that it ended to my satisfaction; the more, as their connexion with the case in its origin naturally pointed to their selection, other grounds continuing to justify it.

Accordingly, on the 14th instant, I addressed a note to these solicitors, informing them that I had arrived in this country with full power from the President, founded upon an act of Congress, to assert the right of the United States to the Smithsonian bequest, and receive the money; and requesting that they would call upon me on the 16th. A copy of my note is enclosed. This is a season of the year when professional and official business of every kind is

much at a pause in London, and those who conduct it dispersed. It was not until the 20th that I was enabled to command an interview with these gentlemen, when two of them, Mr. Clarke and Mr. Fladgate, waited upon me; the latter having previously called, after receiving my note, to mention the absence of his associates from town. With these two I had the preliminary conversation suited to a first interview. They chiefly went over the grounds stated in their note of the 21st of July, to our chargé d'affaires, Mr. Vail; in some points enlarging them and giving new particulars. They said that James Smithson, the testator, died in June, 1829; that his will was proved in the prerogative court of Canterbury by Mr. Charles Drummond, one of the executors, and one of the banking-house of that name in London; that Henry James Hungerford, the testator's nephew, to whom was bequeathed the whole of his property for life, subject to a small annuity to another person, brought an amicable suit in chancery against Messrs. Drummond, the executors, for the purpose of having the testator's assets administered under the direction of the Lord Chancellor; in the course of which suit the usual orders and decrees were made, and by its issue assets ascertained and realized to the value of about one hundred thousand pounds sterling; that Mr. Hungerford, who resided out of England, received, up to the time of his death, the dividends arising from the property, which consisted of stock in the public funds; and that he died at Pisa, on the 5th of June, 1835, of full age, though still young, without having been married, and, as far as is yet known, without illegitimate child or children; that the assets of the estate are now invested in the name of the accountant general of the court of chancery, subject to the further disposition of the court; that the will of Mr. Smithson having made the United States the final legatee on Mr. Hungerford's death without child or children, legitimate or illegitimate, the facts seem to have happened under which their right will attach; but the solicitors continue to think that a suit, or legal proceedings of some nature, to which the United States must be a party, will have to be instituted in the court of chancery, in order to make valid their right, and enable them to get possession of the fund, now in the hands of the court, and subject to its judgment.

The foregoing formed the main purport of their communication. They added, that the mother of Henry James

Hungerford, who is still living and married to a Frenchman of the name of De la Batut, has put in a claim to a part of the property; but as the claim is small, and not likely to come to much, the mother of Mr. Hungerford not having been married to his father, it is scarcely necessary at this time to detail the circumstances.

I asked at what time from the present the earliest sitting of the court of chancery would be held. They replied in November. It will be my object to get the fund for the United States without a lawsuit in chancery of any kind, if this be practicable; and towards an end so desirable my further reflections and measures will for a while be directed, taking care that I do not lose the advantage of all proper applications at the first term of the court, for whatever form of suit or other legal proceedings may be found indispensable.

I have nothing further of any importance to communicate at this juncture. I delivered to the minister of the United States, Mr. Stevenson, the letter from the acting Secretary of State of July 27th, requesting his good offices in behalf of the public object with which I am charged, should they be needed; and I cannot close this letter without adding that I have already received co-operation from him that has been useful, and which gives earnest of the zealous interposition of his further aid, should it be required.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH, *Secretary of State.*

The Case Stated by Mr. Rush.

The testator died at Genoa on the 27th day of June, 1829, and on the 4th of November, in that year, the will was proved in the prerogative court of Canterbury, by Mr. Charles Drummond, one of the banking-house of that firm, mentioned in the will.

Soon after his death, an amicable suit was instituted in the court of chancery, by Henry James Hungerford, his nephew, against Mr. Charles Drummond, as executor, for the purpose of having his assets administered under the direction of that court. The usual orders and decrees were

made in the suit, and assets realized to the amount of about one hundred thousand pounds sterling in value, which are now invested in the public funds, and are standing in the name of the accountant general of the Court of Chancery, to the credit of the cause of Hungerford *vs.* Drummond, and applicable to the trusts of the will.

Mr. Hungerford, who resided out of England, received the income arising from the testator's property up to the time of his death. This took place on the 5th of June, 1835, at Pisa.

He was never married, and died without leaving any illegitimate children or child.

The events have therefore happened, by which the right of the United States of America is considered to have attached, as the residuary or final legatee under this will.

In July, 1835, their chargé d'affaires at this court, imparted official information to the Secretary of State, at Washington, of the preceding facts, who laid them before the President, with a copy of the will and other papers that were transmitted.

The President not having authority under his general executive powers to take any steps for accepting the trust or obtaining the fund, communicated the papers to Congress on the 17th of December of that year, with a view to such measures as that body might deem necessary.

Congress, acting on the ground that the bequest to the United States was valid, and that it would not be incompatible with their dignity to accept the fund as trustees, for an institution to be founded at Washington, for a purpose so broad and benevolent, passed, on the 1st of July last, an act authorizing the President to appoint an agent to assert and prosecute their right to the bequest, in such form, and before such tribunal or tribunals in England, as might be proper; and to receive and grant full acquittances for all such moneys or other funds as might be adjudged to them on account of it.

In pursuance of the authority given by this act, the President has appointed a citizen of the United States, in the person of the undersigned, to perform on their behalf the duty which it enjoins; and he is here, their representative and attorney in the matter set forth.

His full power from the President, and a copy, under seal of the Department of State, of the law on which it is founded, are ready to be filed in the Court of Chancery, or

Hungerford, who is still living and married to a Frenchman of the name of De la Batut, has put in a claim to a part of the property; but as the claim is small, and not likely to come to much, the mother of Mr. Hungerford not having been married to his father, it is scarcely necessary at this time to detail the circumstances.

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The events have therefore happened, by which the right of the United States of America is considered to have attached, as the residuary or final legatee under this will.

In July, 1835, their chargé d'affaires at this court, imparted official information to the Secretary of State, at Washington, of the preceding facts, who laid them before the President, with a copy of the will and other papers that were transmitted.

The President not having authority under his general executive powers to take any steps for accepting the trust or obtaining the fund, communicated the papers to Congress on the 17th of December of that year, with a view to such measures as that body might deem necessary.

Congress, acting on the ground that the bequest to the United States was valid, and that it would not be incompatible with their dignity to accept the fund as trustees, for an institution to be founded at Washington, for a purpose so broad and benevolent, passed, on the 1st of July last, an act authorizing the President to appoint an agent to assert and prosecute their right to the bequest, in such form, and before such tribunal or tribunals in England, as might be proper; and to receive and grant full acquittances for all such moneys or other funds as might be adjudged to them on account of it.

In pursuance of the authority given by this act, the President has appointed a citizen of the United States, in the person of the undersigned, to perform on their behalf the duty which it enjoins; and he is here, their representative and attorney in the matter set forth.

His full power from the President, and a copy, under seal of the Department of State, of the law on which it is founded, are ready to be filed in the Court of Chancery, or

otherwise made known to the Lord Chancellor, at whatever time and in whatever manner may be thought proper.

The United States having acceded to the bequest, the first duty of the undersigned is to obtain, for his high constituent, possession of the fund without any delay that can be avoided.

His questions for the opinion of counsel in England are:

1st. Can possession of it be obtained without a suit?

2d. If not, what is the form of suit or other legal proceeding which, by the laws of England, will give promise of putting the United States in possession of the fund in the most effectual and prompt manner?

RICHARD RUSH.

LONDON, *October* 1, 1836.

Opinion of Counsel.

1st. We are of opinion that the possession of the fund cannot be obtained without a suit.

2d. We think that the best course will be, that a bill, in the nature of a supplemental bill, should be filed in the name of the President of the United States of America, against the executors of Mr. Smithson, praying that the United States may be entitled to the fund upon trust, for the purposes expressed in the will; and that, upon obtaining a decree to that effect, a petition should be presented, in the name of the President and Mr. Rush, praying that the fund may be transferred to the latter, as the agent of the United States, appointed under the act of Congress.

As we understand that the testator, Smithson, was illegitimate, we think that it will be advisable to make the Attorney General a party to the suit, in order that he may represent before the court any claim which the Crown may have, either by reason of the question of the validity of the limitation to the United States, after a limitation to illegitimate children, or by reason of any part of the property consisting of interests in land.

THOMAS PEMBERTON.
EDWARD JACOB.

LINCOLN'S INN, *November* 2, 1836.

Richard Rush to John Forsyth.

LONDON, *November* 5, 1836.

I am following up the Smithsonian business, as you w
take for granted. This week I had an interview with t
counsel; but nothing has transpired calling for an offic
letter to you since the one I wrote on the 24th of Septe
ber.

RICHARD RUSH.

John Forsyth to Richard Rush.

DEPARTMENT OF STATE,
WASHINGTON, *November* 17, 1836.

SIR: You will receive enclosed the copy of an accou
presented to Daniel Brent, Esq., consul of the United Sta
at Paris, by M. Castaignet, a French attorney, of cert
fees charged by him for services rendered in relation to t
effects of Mr. James Henry Dickinson, deceased, alias
la Batut, alias Hungerford, nephew of the late Jam
Smithson, of London. Copies of Mr. Brent's letters
23d October, 1835, and 14th August, 1836, explanatory
the subject, are also sent. As the whole amount of t
fund appropriated by the act of Congress of 1st July, 18
for defraying the expenses incident to the prosecution
the claim of the United States to the Smithsonian beque
are in your hands, and as the bill, if correct, is proper
chargeable to that fund, I have the honor to request th
you will examine this account; and if you shall deem
just, and the amount reasonable, transmit to Mr. Brent t
sum necessary to discharge the claim.

It may be proper also to allow to Mr. Delagrange, t
attorney consulted in this case by Mr. Brent, a fee for h
advice. You will perceive, however, that, before such
allowance can be made, it will be requisite to obtain fro
the latter precise information as to the amount of t
charge.

I am, sir, your obedient servant,

JOHN FORSYTH.

TO RICHARD RUSH, Esq., *London.*

Richard Rush to John Forsyth.

LONDON, *November* 22, 1836.

SIR: After my letter to you of the 24th of September, desirous as I felt of falling upon some mode by which the United States might get possession of the Smithsonian bequest, without the delays and difficulties apt to attend upon suits in chancery, prosecuted in the ordinary form, I found myself unable to do so. At one time it occurred to me, considering the peculiar nature and national aspect of the case, that perhaps an indirect appeal to the British Government, through the channel of our minister, might be justified; not, indeed, that an influence was to be brought to bear upon the judicial tribunals in any objectionable sense, but simply with a view to obtain some expression or intimation of its favorable dispositions towards the trust I bear from the President, as far as the laws of England might be in unison with it. But obstacles presented themselves to the actual pursuit of such a course, although I knew how ready Mr. Stevenson would have been to second it as far as in his power, that led me to turn from it, at least as an incipient step; without, however, losing sight of it, if it may seem practicable and advisable at any subsequent stage of the proceedings.

That course no longer looked to, it appeared to me that the first step, on my part, had better be to draw up a statement of the case for the opinion of counsel, submitting to them, as one of the questions, whether possession of the fund might not be obtained without a suit. The solicitors, I was aware, had said that it could not; but, on a preliminary point so important, I did not think that it would be proper to rest on them alone, but take the opinion of eminent counsel. On the 1st of October, I accordingly drew up a statement of the case, setting out a copy of the whole will, as obtained for my use from the registry of the prerogative court of Canterbury, adding the facts necessary to show what was believed to be the present right of the United States to the legacy, and my authority to receive it on their behalf. A copy of the statement is enclosed marked A.

The next step was to select the counsel. Here little deliberation was requisite, it being only necessary to ascertain the most eminent. I thought it would be advisable to

consult two. I found it pretty generally agreed that Mr. Pemberton was at the head of the chancery bar, and therefore designated him as one. Mr. Jacob being in the first class of eminence, next to Mr. Pemberton, and of high reputation for learning in the profession, I took him as the other. Although using all the means I could to get their opinion, after drawing up the case, it was not until the 8th of this month that I succeeded; which was owing to the absence of Mr. Pemberton from town nearly the whole of October. I had an interview with them before their opinion was given, and set before them all the lights I was able to afford on the nature of the case, and wishes of the President for its early decision. Their opinion is subjoined to the statement enclosed.

It will be seen that they regard a suit as indispensable.

Next, as to the mode of proceeding. It appears that they think a bill should be filed, in the name of the President, against the testator's executors, praying that the United States may be declared entitled to the fund, and that, on obtaining a decree to that effect, a petition should be presented for the actual payment of the money. They add, that it would be advisable to make the Attorney General a party to the proceedings, in case the Crown should have any claim under the will, by reason of "the limitation to the United States, after a limitation to illegitimate children," or in case any part of the property should consist of interest in land. The opinion is dated on the 2d instant, but I did not receive it until the 8th, as mentioned.

Although I drew up the case, the usages of the profession here required that it should pass to the counsel, through the hands of the solicitors, to which I made no objections; the less, as the latter claim, under all common circumstances, to state the case themselves, as well as hold interviews with the counsel, instead of the party holding them. The same usages and subdivisions require that a junior counsel of the chancery bar should * * * * * draw the bill suggested by the senior counsel, to which I have, in like manner, consented; and Mr. Shadwell, a son of the vice chancellor, has been designated for that duty, under assurances, I have had, that he will perform it satisfactorily, and with an understanding, moreover, that the bill is to have the revision and sanction of the senior counsel before it is filed. The whole course of proceeding may now therefore be considered as in regular train, and

shall be followed up with all the despatch and care which my superintendence can impart to it.

Should the intervals between my letters be longer than might at first seem compatible with my desire and duty to keep you informed of what is going on, I hope it will not be inferred that there are relaxations in either; since it is very likely to happen, as has been the case since the date of my last letter, that whilst I am doing all in my power to expedite arrangements and results, nothing may transpire to lay a basis for written communications in any degree definite or satisfactory. Legal proceedings, in general, imply these intervals of apparent inaction, and a suit in chancery in England is not likely to form the exception. When occasions of writing to you may arise, the duty shall never be omitted.

This letter would have been written immediately after I received the opinion, but that I wished some explanations, as it was not argumentative; a form which counsel here do not give to opinions. It being recommended that the bill should be in the name of the President, I deemed it right to mention that there was a possibility in law of a temporary vacuum occurring in the executive power under our constitution, in order that they might judge how far that consideration would affect the name or style to be used in bringing the suit. As they further advise that the Attorney General be made a party, I wished to ascertain, as far as I might, what weight they attached to the point that seemed the main inducement to that course, as well as the reason for suggesting it in advance. I doubted not their good reason for such a course, but thought it desirable to learn it from themselves, that I might impart it from that source for the President's information.

They have informed me that the legal possibility to which I drew their attention under our constitution does not alter their opinion as to the name proper to be used in bringing the suit, and they do not think it would answer to bring it in the name of the United States alone, whatever the provisions of our constitution under this head. I of course put before them the act of Congress of the 1st of July, 1836, which authorizes the suit. As to the point of law, whether a bequest can be sustained after a limitation to illegitimate children, they replied, that they do not at present attach any decisive, perhaps any great weight to it, but think it one that may be made; and as to its suggestion in advance,

they suppose that the United States would not desire to take the bequest through any oversight in the court or Attorney General, admitting either to be possible in a case of this publicity; but only if the laws of England would warrant in all respects an adjudication in their favor—a sentiment in which I naturally and fully concurred.

I was not able to command an interview with the counsel for the sake of these explanations until yesterday, owing to their constant engagements, although I sought it repeatedly since the 8th of the month, by personal calls as well as notes desiring to have a time fixed.

If there have been these delays that I have been unable to prevent, I am glad to add that no time has been lost in reference to the November term of the court, the first that has been held since I came here.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

The Hon. JOHN FORSYTH, *Secretary of State.*

Richard Rush to John Forsyth.

LONDON, *December* 20, 1836.

SIR: I was yesterday honored with your letter of the 17th of November, enclosing the account forwarded to the Department by the consul of the United States at Paris, of M. Castaignet, a French attorney, for certain fees charged by him for services rendered in relation to the effects of Mr. James Henry Dickinson, deceased, alias de la Batut, alias Hungerford, nephew of the late James Smithson, of London, and requesting that I will examine it with a view to its payment out of the Smithsonian fund in my hands, if deemed just, and the amount reasonable; and mentioning also that it may be proper to allow Mr. Delagrange, the attorney consulted by Mr. Brent, a fee, after obtaining from the latter precise information as to the amount of the charge. Copies of Mr. Brent's explanatory letters of the 23d of October, 1835, and 14th of August, 1836, also came enclosed in your letter, and I beg leave to say that the whole subject shall have from me full attention.

The Smithsonian case continues in proper train here, with every advantage I have found myself yet able to give it,

according to the statement and explanations transmitted with my No. 4; but it has not yet come to its first hearing before the court of chancery.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

The Hon. JOHN FORSYTH, *Secretary of State.*

Richard Rush to John Forsyth.

LONDON, *January* 9, 1837.

I have already had the honor to acknowledge the receipt of your letter of the 17th November, enclosing the account of Mr. Castaignet, the French attorney, for certain services in relation to the effects of Henry James Dickinson, deceased, alias de la Batut, alias Hungerford.

I have given to this subject the proper attention, and, for the better understanding of it, now beg leave to state:

That Henry James Hungerford was the natural son of Henry Louis Dickinson, deceased, brother of Mr. Smithson, by a Mrs. Coates. The latter is still living, and married to a Frenchman named de la Batut. Hungerford lived with her and took her name, whilst bearing which he died, having also passed under that of Dickinson. It is understood that, as long as he lived, he made her an ample allowance; but his death put an end to it, and, as far as the will of Mr. Smithson is concerned, (the will which creates a right in the United States,) she can claim nothing. This I understand to be agreed by counsel on all hands here.

Her claim, if she has any, is under the will of Henry Louis Dickinson, made at Paris, July, 1819, by which he left all his property to his brother, Smithson, in trust for his (Dickinson's) son Hungerford, alias Dickinson, alias la Batut. Half the income of it, however, was to go to this Mrs. Coates, alias Madame la Batut, during her life.

But whether the property which Dickinson thus left, and which is supposed to be the fund which Mr. Brent naturally desired, through the instrumentality of the French attorneys, to secure for the United States in Paris, now constitutes any part of the Smithsonian fund in the English court of chancery, and awaiting its decision, or whether the former fund has not all been dissipated, and if so, how

much of it got into the hands of Madame la Batut, and has already, principal as well as income, been applied to her use and benefit, are, I understand, points still unsettled.

I made a first mention of this la Batut claim in my No. 4, in September. Under the facts presented by this further explanation, it does not clearly seem that the account of the French attorney, M. Castaignet, or the fee to M. Delagrange can, for the present, be a charge upon the Smithsonian fund in my hands. Perhaps it may be a question how far the act of Congress of the 1st of July, 1836, creating and appropriating that fund, will sustain any charge upon it other than for expenses in prosecuting the right of the United States to the Smithsonian bequest before the tribunals here in England, where alone, by what I now communicate, it may turn out that the entire fund bequeathed by Mr. Smithson exists. In weighing all the circumstances, I have come to the conclusion, at all events, not to pay the above account or fee until the issue of the proceedings in chancery on the whole case here is known; unless, after this communication, I should receive your instructions to the contrary. We must hope that the bequest of Mr. Smithson will ultimately be adjudged to the United States; but there is a complication of illegitimacy in the matter, and we dare not with confidence affirm that the decision will be favorable, prior to its taking place.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

The Hon. JOHN FORSYTH, *Secretary of State.*

Richard Rush to John Forsyth.

LONDON, *February* 2, 1837.

SIR: The Smithsonian case was brought to a first hearing in the court of chancery yesterday, and it is satisfactory to me to be able to say that results, so far, are favorable to the establishment of the claim of the United States.

The hearing was before Lord Langdale, master of the rolls; this court and the court of the vice chancellor being the two branches of the English chancery system, before which suits are brought in the first instance.

The bill was in the name of the President of the United

States of America against Drummond, as recommended by counsel, in their opinion transmitted with my letter No. 4, of the 22d of November. The case was fully opened, on behalf of the United States, by Mr. Pemberton.

The Attorney General was not personally present in court; but Mr. Wray, a member of the bar, and King's counsel, acted as his representative on the occasion. I am glad to state that he abandoned, in effect, all opposition on the part of the Crown. No question, therefore, will be raised as to whether a bequest can be sustained after a limitation to illegitimate children; or any other obstacle interposed under the doctrine of escheats, or any other, by the legal representatives of the Crown. These officers, I am given to understand, have had the whole case under consideration, and will do nothing more than exercise that general superintendence which the Crown, through its law officers, is bound to exercise where questions may arise connected with public charities; the rules respecting which are considered applicable to this case.

The court, after the hearing, decreed that the case be referred to one of the masters in chancery, the proper officer for the duty, to make the requisite inquiries as to the facts on the happening of which the United States become entitled to the fund bequeathed by Mr. Smithson. The claim of Madame la Batut having been brought before the court by counsel representing it, his lordship also decreed that the validity of that claim be inquired into, with a view to ascertain if it be a proper charge upon the fund.

The inquiries will be proceeded with in the usual and regular manner, and with all the expedition that my superintendence can impart to them. When brought to a close, the cause will come on for the further order and decree of the court.

Having heretofore mentioned, and in my last letter explained more particularly, the claim of Madame la Batut, I need say no more about it at present. It extends only to an annuity of about one hundred pounds, payable during her life; so that, even if sustained, it will form, in the end, no material deduction from the fund. But I have of course directed that it be properly scrutinized, in order that nothing be taken from the United States to which they are rightfully entitled.

Counsel also appeared for Messrs. Drummond, and made a little show of opposition; but as their clients are, in fact,

nothing more than stakeholders, they will offer, in the further progress of the case, as I have reason to believe, no serious opposition. They said on this occasion that the bill, in giving title to the suit, ought to have named General Jackson as President; on which Mr. Pemberton remarked, that in that case it must have been amended on the 4th of March, by substituting the name of Mr. Van Buren. On the other hand, the King's representative, Mr. Wray, expressed his concurrence with Mr. Pemberton, that the title of the suit was good as it stood.

Our professional advisers thought that the President ought to be named, as in the title, with a view to a technical responsibility on the record for costs, although no such question of fact would arise in this case; and because he was otherwise the organ of intercourse and business between the United States and foreign nations. I told them that his name was not thus introduced in suits in the United States; but they had before them the act of Congress of July the 1st, 1836, directing that this suit might be brought in the name of the United States, "or otherwise, as may be advisable," and formed their opinion accordingly.

The master of the rolls, not having then seen the act of Congress, intimated his impression to be that the suit should follow in this respect the forms in the United States; adding, that he considered this part of the case as nothing but matter of form, and would give leave to amend forthwith, if necessary; so that the point is of no consequence.

I think I am justified in saying, from all that is known at present, that the case is in a safe train in all respects, with every promise of a successful issue. Reports of what took place in court have appeared in the newspapers here, but are not to be relied upon, as I am enabled to say, my duty having made it proper that I should myself be present in court all the while.

In my letter of the 22d of November, it is intimated that I might, perhaps, at a subsequent stage of the case, have deemed some appeal to this Government advisable in relation to it. The contingency I had in view, was that of the Attorney General interposing a claim for the Crown, under the law of escheats. In that event I had contemplated drawing up a counter representation on behalf of the United States, founded on the public objects of Mr. Smithson's will, to be brought to the notice of this Government, through the channel of our minister. All necessity for

acting upon this intention is now at an end, by the course which the law officers of the Crown have pursued; and I can discern no other ground for an application to this Government. Nor, I am happy to add, does any such application appear at present to be needed, either for the purpose of justice or expedition.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH, *Secretary of State.*

Richard Rush to John Forsyth.

LONDON, *February* 10, 1837.

SIR: After what I communicated in my last letter, it is proper for me to state that the court finally determined, before the minutes of its proceedings on the 1st instant were made up, that the title of the suit, as originally advised by our counsel, was the proper title, viz: "The President of the United States of America *versus* Drummond." It therefore stands so without alteration.

It will have been observed from my last, that the court had not seen the act of Congress in the proceedings of record up to the 1st instant. The reason it did not then appear on the face of the bill will be found in the nature of the counsel's opinion. I put a copy of the act into their hands, as a necessary accompaniment to my statement of the case drawn up for their consideration. On referring to their opinion, transmitted with my No. 4, it will be seen that they recommend that a bill be first filed, praying that the United States might "be declared entitled to the fund, upon trust, for the purposes expressed in the will;" and, next, that when a decree to that effect was obtained, a petition should be presented, in the name of the President and the agent, praying that the fund be transferred to the latter, as authorized by the President under the act of Congress to receive it. The counsel thought that the proper time for setting forth the act would have arrived when the petition was presented, and not before; but the court, under its first impression, inclining to think it ought to be added to the bill, gave leave to make the addition forthwith, and it was done accordingly. The case therefore now stands, on all points, as could be desired, without any delay having inter-

vened through matters of form. Our professional advisers are disposed to regard this with satisfaction, considering the case as one of the first impression here, the United States having never before appeared as suitor in an English court.

Having selected counsel of distinguished character and abilities in the court of chancery to conduct the proceedings on the part of the United States, I feel that it is not my province to guide but follow their opinions in matters of English law and practice. Yet I feel it a duty to understand theirs, and offer mine to their consideration whenever there may seem any likelihood of its being serviceable to the claim of the United States, and will frankly own that I saw no objection to their withholding the act of Congress from the record, until actual payment of the fund was asked of the court who have the present custody of it. The United States, it is true, had never before sued in an English court. But there were precedents of other nations having done so by their executive head; as, for example, the King of France, the King of Denmark, and I believe other sovereign and independent States. It was not understood that any legislative act of those countries had been considered necessary, and was therefore inferred that the United States might in like manner enter the courts here, as of common usage, to establish the validity of a testamentary bequest made to them by a subject of Britain. The act of Congress may have been necessary, quoad the United States themselves. The bequest, it may be, could not have been accepted otherwise, or a suit been brought on their behalf; but no act of Congress was required for such ends before an English court. The will itself, showing a prima facie right in the United States, was enough to open an English court to their suit, and perhaps their dignity would best be consulted by not exhibiting the special act until indispensably necessary. The validity of the bequest being established on general grounds by a decree of the court, then, before payment could have been made to any one demanding possession of the fund for the United States, adequate authority from the proper source there must be shown; and at this epoch the act must have been filed, as well as the agent's power. This was the reasoning of our counsel, as I understood it. It appeared to me good, as did their reasons for bringing the suit by its present title. How far the master of the rolls might have dispensed with the filing of the act of Congress until the time indicated by

our counsel as that alone when it was necessary, had the latter pressed the point to an argument, is not for me to say. They yielded to his lordship's first impression, and filed it at once, as it caused no delay, and must have been done under their own intentions at a future day, if a favorable decree be obtained on the main question, now so reasonably to be anticipated.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

The Hon. JOHN FORSYTH, *Secretary of State.*

Richard Rush to John Forsyth.

LONDON, *March* 25, 1837.

SIR: In my No. 7 I had the honor to inform you that the court, after the hearing on the 1st of February, decreed that the case be referred to a master in chancery, to make the requisite inquiries as to the facts, on the happening of which the United States become entitled to the fund bequeathed by Mr. Smithson.

The facts specially directed to be inquired into, and which must be judicially and technically settled, are, first, whether Henry James Hungerford, named in the pleadings, be living or dead; second, if dead, when he died; third, whether he was married or unmarried at the time of his death; fourth, if married, whether he left any and what children and child, and the age or ages of them, if any. It is further to be ascertained whether John Fitall, mentioned in the pleadings, be living or dead, and, if dead, when he died; and the said master is finally to inquire whether Madame de la Batut has any claim on the testator's estate, and to make report on all the several matters so referred to him.

These inquiries are now all duly and regularly in progress. Advertisements, of which I annex copies, designed as one means of obtaining information under the four heads first specified, and the last, have been inserted in three of the London newspapers of the present month, viz: the Times, Morning Herald, and Standard. Copies of them, translated into French and Italian, have also been inserted in newspapers at Paris and Port Louis, in France; the latter being the place where Madame de la Batut resides; and

at Leghorn, in Italy, it being understood that there is no newspaper published at Pisa, where it is believed Hungerford died.

It was by my direction that the advertisements have been framed with all the brevity compatible with the essential object of the court's decree. I have caused to be carefully kept from them any mention of the amount of property bequeathed, and everything else respecting the nature of Mr. Smithson's will. This course seems best adapted to guard against the risk of raising up spurious claimants, or combinations, in France, Italy, or this country, to battle with the right of the United States, whereby, although their ultimate recovery of the fund might not be prevented, great delays might be interposed.

Whether John Fitall be living or dead, the remaining branch of inquiry, is a fact to be ascertained without difficulty here in London.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

The Hon. JOHN FORSYTH, *Secretary of State.*

Advertisements.

(1.)

Whereas, by a decree of the high court of chancery in England, made in a cause wherein the President of the United States of America is plaintiff, and Charles Drummond and his Majesty's Attorney General are defendants, it was (amongst other things) referred to Nassau William, Sen., Esq., one of the masters of the said court, to inquire and state to the court whether Henry James Hungerford, who formerly resided at Paris, in the Kingdom of France, and is alleged to have died in Pisa, in the Kingdom of Naples, in the month of June, 1835, is living or dead, and, if dead, where he died, and whether he was married or unmarried at the time of his decease, and, if married, whether he left any children or child him surviving, and the ages of such children, if more than one. Therefore, any person who can give any information touching the said Henry James Hungerford, is requested, on or before the

1st day of June next, to furnish the same to Messrs. Clarke, Fynmore, and Fladgate, 43 Craven street, Strand, London.

(2.)

Whereas, by a decree of the high court of chancery in England, made in a certain cause wherein the President of the United States of America is plaintiff, and Charles Drummond and his Majesty's Attorney General are defendants, it is (amongst other things) referred to Nassau William, Sen., Esq., one of the masters of the said court, to inquire and state to the court whether Madame de la Batut, who lately resided at Port Louis, in the Kingdom of France, has any claim on the estate of James Smithson, who died at Genoa, in the year 1829, the testator in the pleadings of the said cause named. Therefore, the said Madame de la Batut is, on or before the 1st day of May next, to come in before the said master, at his chambers in Southampton buildings, Chancery lane, London, and make out her claim on the said estate of the said testator, James Smithson; or, in default thereof, she will be excluded the benefit of the said decree.

Richard Rush to John Forsyth.

LONDON, *April* 28, 1837.

SIR: In enclosing a duplicate of my last letter, (sent with the original of this,) I have to supply an omission in not stating that the advertisements were inserted in the London Gazette, in addition to the other London newspapers mentioned. It is the more necessary I should state this, as when the bills for legal disbursements are all finally rendered, it will be seen that the item for advertising in this country forms no inconsiderable one. It was my wish to avoid these advertisements altogether, not simply on account of expense, which would have been a good reason of itself, but for the more important one hinted in my last, viz: their possible tendency to raise up fictitious claimants; but my wish could not prevail against the express order of the court of chancery under which they were inserted.

In regard to the legal expenses, generally, of this agency, I will take this occasion of barely remarking, that whilst I have kept a constant watch over them all, endeavoring to

confine them within limits as moderate as possible, they are proverbially heavy in English chancery proceedings. It seems that something is to be paid for every step taken, every line written, and almost every word spoken by counsel, senior and junior, solicitors, clerks, and everybody connected with the courts, and officers attached to them, under the extremely artificial and complicated judiciary systems that exist here.

Perhaps I ought also to have mentioned in my last that there is no doubt whatever of the fact of John Fitall's death. It only remains for the court to know it through regular evidence, easily attainable, as before remarked, in London, where he died.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

The Hon. JOHN FORSYTH, *Secretary of State.*

Daniel Brent to Richard Rush.

UNITED STATES CONSULATE,
PARIS, *May* 3, 1837.

SIR: On the 7th of August last I made known to the Secretary of the State the amount of expenses that had been incurred by me in this city in taking precautionary steps to secure to the United States, as legatee of James Smithson, of London, the possession of property then supposed to constitute a portion of his estate, and now have the honor of transmitting to you, in consequence of a letter recently received from the Department, receipts for the amount of these expenses, as follows, viz:

Receipts of the M. Castaignet for his services	*fr.* 226 25
Do. avocat, M. Delagrange do	40 00
My own receipt for postages	6 00
Total	*fr.* 872 25

I would feel obliged to you if you would have the goodness to provide, at as early a day as may suit your convenience, for my reimbursement, by furnishing me with a

bill on Paris for their amount; and, in the mean time, I have the honor to be, sir, your obedient humble servant,

DANIEL BRENT.

RICHARD RUSH, &c., *London.*

Richard Rush to Daniel Brent.

LONDON, PORTLAND HOTEL,
Great Portland Street, May 10, 1837.

SIR: I received your letter of the 3d instant, transmitting receipts for sums expended by you in Paris, amounting to fr. 272 25, for precautionary steps taken on your part to secure possession of property then supposed to constitute a portion of the property bequeathed to the United States by Mr. Smithson. You state that you transmit these receipts to me in consequence of a letter recently received from the Department of State, and request I will provide for your reimbursement by a bill on Paris for the amount.

I received from the Secretary of State, in December last, copies of the same account, with a request that I would examine it, and if I deemed it just, and the amount reasonable, transmit to you the sum necessary to discharge it; his letter remarking that the account, if correct, was properly chargeable on the Smithsonian fund in my hands, created by the act of Congress of July 1, 1836, for defraying expenses incidental to the prosecution of the claim of the United States to the bequest of Mr. Smithson.

In reply, I had the honor to inform the Secretary, by letter, dated the 9th of January, that it was still a point unsettled whether the property which, with a commendable zeal, you had aimed at securing for the United States, now constituted any part of the Smithsonian fund in the English court of chancery, awaiting its decision; that nothing had yet been adjudged to the United States; that perhaps it might be doubtful, under these and other circumstances I stated, all of which could not have been known when the Secretary's letter to me was written, how far the act of July the 1st would sustain the charge in question; and that at all events I had come to the conclusion not to pay the account until the issue of the proceedings in chancery on the whole case here was known, unless I should receive the Secretary's instructions to pay it, after what I thus wrote.

I have received none; and unless the letter from the

Secretary, which you have received, were written after the receipt of mine of the 9th of January, and contains an express direction to me to pay, I should not feel at liberty to do so; the less, as everything remains undecided here, and a new fact is interposed. Congress at the late session omitted to make any further appropiation for the full prosecution and recovery of the Smithsonian bequest; and it is certain, in my belief, that the sum allotted by the act of July 1, 1836, will be exhausted by the unavoidable expenses in London before any new appropriation can come from the next Congress.

I have the honor to remain, very faithfully, your obedient servant,

RICHARD RUSH.

DANIEL BRENT, Esq., *Consul of the United States, Paris.*

Richard Rush to John Forsyth.

LONDON, *May* 18, 1837.

SIR: I have received a letter from Mr. Brent, consul at Paris, transmitting his account and the receipts for moneys expended by him in that city, with a view to obtain for the United States some property, then supposed to be a part of that which was bequeathed by Mr. Smithson. It is the same account that was forwarded to me with your instructions of the 17th of November last. To these I had the honor of replying in my No. 6, in which the nature of the account was explained, and reasons assigned for suspending payment; your instructions appearing to have left me a discretion over the subject. I transmit a copy of Mr. Brent's letter dated the 3d instant, with a copy of my answer dated the 10th. My reasons will be seen in the latter for still withholding payment; Mr. Brent's letter, as I read it, not conveying to me your direction to pay. If I have erred in this particular, I shall wait your further instructions, and obey them. My letter to Mr. Brent, besides bringing into view the former reasons, mentions a new one.

Under one of the advertisements transmitted with my No. 9, viz: the one returnable on the 1st of this month, the husband of Madame la Batut has come over here from France, to make out the claim of his wife upon the estate of Mr. Smithson. He has written me notes, and called

upon me, though as yet I have not seen him. I deem it unnecessary to transmit to you his representations, as I do not act upon them in any way, abstaining as well through my own judgment as that of our professional advisers. To the latter I say, if Monsieur la Batut has a just claim on the part of his wife, it ought to be allowed; if not, no authority but that of Congress could award him anything out of the Smithsonian bequest, should it be finally adjudged to the United States. To this they assent, with the further concurrence between us, that the court must decide upon the claim; for establishing which, if it can be established, he will now have every opportunity before a master in chancery, the officer regularly appointed by the court for that purpose. The solicitors advise me that he is a troublesome person, and seems to have unreasonable expectations; which, however, will be carefully scrutinized and properly trolled.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

The Hon. JOHN FORSYTH, *Secretary of State*.

Clarke, Fynmore & Fladgate to Richard Rush.

No. 43 CRAVEN STREET, *June* 9, 1837.

SIR: We think it right to inform you that we have lately had several interviews with M. de la Batut, who married the mother of the deceased Henry James Hungerford, and who we thought might be induced to furnish us with every proof we wanted touching the deceased. His object was to press upon our consideration the moral claims which he supposes his wife and her and his children have upon the United States, in consequence of their succeeding to the fortune, to the income of which Hungerford was entitled for his life. We allude to these *moral* claims, to distinguish them from the rights which Madame de la Batut may have under the will of Colonel Dickinson, Hungerford's father, which are the subject of inquiry before the master. To show, in part, the nature of these MORAL claims, we may mention, that as the fund is left to the United States, to found an institution for promoting knowledge, he considers, notwithstanding that the institution is to be founded in

America, that his and Madame de la Batut's children in France should have an allowance until the age of twenty-two, for *their* education; and he considers that the income derived from the fund since the testator's death should be allowed to Madame de la Batut!

We do not think it necessary to go further into these *requisitions*, or into a detail of M. de la Batut's *arguments* in support of them. We may, however, advert more particularly to the following point, which may have some claim to consideration. M. de la Batut urges that young Hungerford, who lived up to his income, left behind him nothing to pay debts and funeral expenses; that had Mr. Smithson's will come into operation now, instead of seven years back, he would, in consequence of a modern alteration in the law, have been entitled to a portion of the accruing half year's income up to his death; but that, as the modern alteration does not apply to the case, he is deprived even of that, and cannot be said to have enjoyed the income of the property during his whole life; and thus burdens are thrown upon his relations, which their circumstances do not enable them to bear. We may here observe, that the law on this subject is clear; he was not entitled to any portion of the half year's income. We answered him by stating that neither you nor ourselves could give any opinion on the subject, still less undertake that anything should be done for him by the United States; and we informed him that if he considered he had any *moral* claims, he must himself apply to the proper authorities, which he stated his intention to do. We further informed him that we were in search of evidence which was completely within his knowledge; and we offered, if he would furnish us with and depose to the particulars relating to Hungerford known to him, we would so far support any application he might make to the proper authorities as to certify that in our inquiries and proofs we were under material obligations to him; and he at length consented to make the necessary depositions. These depositions we drew up in proper form, but, upon requesting him to make an appointment to swear to them, he refused to do so, unless he had a pledge from *you* that you would do all in your power to support his claims, in addition to the recommendation of Mr. Drummond to the consideration of the United States. The recommendation of Mr. Drummond, we might have promised him, but the pledge required from you we knew to be out of the question; and as

in the mean time we have received from Italy documents which we trust will obviate the necessity of again applying to him for assistance, we felt no hesitation in at once declining to make terms with an individual whose style of conduct would hardly justify any strong recommendation in his favor. He then positively refused to assist us any further, and has left us in considerable anger; and he has expressed his determination to make an application to the President through another channel. It will, we conceive, be entitled to little favor.

We remain, &c.,

CLARKE, FYNMORE & FLADGATE.

To RICHARD RUSH, Esq.

Clarke, Fynmore & Fladgate to Richard Rush.

No. 43 CRAVEN STREET, *June* 22, 1837.

SIR: Mr. Drummond has written to us, to inform you that M. de la Batut has submitted to him a memorial, which, on the part of Madame de la Batut, he proposes to address to the President of the United States. Not having been acquainted personally with Mr. Smithson, Mr. Drummond cannot vouch for any of the facts stated in the memorial; but, as Mr. Smithson's executor, he feels disposed to recommend to the consideration of the United States any application coming from the mother of the deceased Hungerford, who, so far as he has the means of knowing, is left, by her son's death, in reduced circumstances. Nevertheless, we must here add, that the attention paid to such application must of course depend upon the conduct of the parties making it.

We are, &c.,

CLARKE, FYNMORE & FLADGATE.

To RICHARD RUSH, Esq.

Richard Rush to John Forsyth.

LONDON, *June* 24, 1837.

SIR: I enclose copies of two letters received from our solicitors, dated the 9th and 22d instant, relating to the

conduct of Monsieur la Batut, in reference to the supposed claim of his wife upon the Smithsonian fund.

My No. 6, of January 9th, will have made known who the wife is. Nothing is more clear than that she has no claim under the will of Mr. Smithson. Her claim, if any, can only be made out, as mentioned in my No. 6, under the will of Henry Louis Dickinson, and for its establishment the court of chancery has pointed out the proper means, and Monsieur la Batut has full liberty to adopt them, that justice may be done. I said in my No. 7, that the claim extended only to about one hundred pounds a year; but, on better information, I find that it would amount, if sustained, to two hundred and forty pounds a year, during the life of Madame la Batut.

But Monsieur de la Batut is little satisfied with putting forward this claim, which, it may be, the court will allow if he can bring forward proof to substantiate it. He makes a sweeping *moral* claim, as he calls it, upon the United States, should the Smithsonian fund be adjudged to them. The letter from the solicitors of the 9th instant gives, in part, the ground of this moral claim. He thinks that, as the Smithsonian fund is to be applied to found an institution at Washington, for the increase and diffusion of knowledge among men, his children in France have a claim to be educated out of it; and he even considers that his wife has a claim to the * * * * income of the fund since Mr. Smithson's death! This, at a rough estimate, might be perhaps set down at upwards of twenty thousand pounds.

I cannot wonder that the solicitors deemed it unnecessary to detail to me the "*arguments*" by which Monsieur de la Batut sought to support these his "*requisitions*." His attempt at coercion, by withholding evidence within his power, unless on a previous pledge from me to support his requisitions, thereby showing a disposition to prevent the United States recovering anything, will probably gain him little favor in their eyes. Fortunately, there is now other evidence, as the solicitors state in their letter, and have since told me verbally, which, it is believed, will place the United States beyond his reach. The part of their letter that I read with regret was that in which they intimated to him that, as neither they nor I could engage that anything should be done for him by the United States, he must himself apply to the proper authorities. I called upon them

immediately, to express my wish that no such encouragement be in future held out to him; but it seems that he had already taken his course; their letter of the 22d instant gives me to understand that he proposes to address a memorial to the President, through the auspices of Mr. Drummond, the defendant in the suit. That he would have done so on his own motion, in the end, without any hint from the solicitors, is probable enough: but I was sorry it had been given to him. For myself, I have invariably discountenanced all his pretensions, deeming it my duty to do so most unequivocally. I have refused to see him, unless in presence of the solicitors, lest he should misunderstand, or forget, or pervert, what I might say; and the latter told me they could perceive no advantage in my seeing him. If the United States recover the legacy bequeathed by Mr. Smithson, I should naturally regard the whole of it as a trust fund in their hands, not to be in anywise diminished or touched but by the same legislative power that accepted it, for the purposes specially set forth in the act of Congress of the 1st of July, 1836. Not only, therefore, do I disclaim all authority for yielding, in the slightest degree, to Monsieur la Batut's demands, or giving him the least hope that any of them are ultimately to be allowed by the United States, but I should have thought it not justifiable in me to refer him to the President.

Not being sure that I rightly understood what the solicitors mean in their letter of the 9th, about an alteration in the law, I sought an explanation from them. It appears that, by an act of Parliament passed in 1834, whenever a person entitled to the annual proceeds of any fund or property for his life, under a will coming into operation after the passing of the act, dies between the points of time assigned for the periodical payments, his representatives become entitled to a proportionate part of the accruing proceeds up to the day of his death. Before this act, there was no such apportionment; and, as Mr. Smithson's will came into operation before it was passed, Hungerford's representatives have no claim to any of the dividend that accrued after the last dividend day that happened previously to his decease. I asked how this would stand with the case I drew up for the opinion of counsel, as transmitted with my No. 4; in which, among other things, I stated, under the sanction of the solicitors, that "Mr. Hungerford received the income arising from the testator's property *up to the time*

of his death." They replied that this was nevertheless correct; he did receive *all that had accrued* up to that time; but there was a dividend in progress which, as it had not actually arisen, and could not have been claimed by Hungerford in his lifetime, his representative has no claim to it after his death. Such was their explanation.

It is not for me to say how far this lends any equity to any fraction of Monsieur la Batut's claims or requisitions. It is a familiar maxim, that those who ask equity should do equity. The United States will succeed to all that the law of England gives them, as the Lord Chancellor may expound and apply that law to their special predicament under the will, having due reference, no doubt, to the rights of all other parties before the court; and whatever may be the amount adjudged in their favor, my uniform declaration is that Congress alone would have the power to reduce it. I add, as explicitly, that to no one can I give the remotest encouragement or hope that it would be reduced, and, least of all, to one so unreasonable, so exacting, and apparently so bent upon thwarting the rights of the United States, as Monsieur de la Batut.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

The Hon. JOHN FORSYTH, *Secretary of State.*

Richard Rush to Clarke, Fynmore & Fladgate.

PORTLAND HOTEL, GREAT PORTLAND STREET,
July 21, 1837.

GENTLEMEN: Having at all times made known my wishes for a speedy decision of the case you have in hand for the United States, I need not here repeat them, but as the time approaches when the court of chancery will adjourn over to November, I must ask you to inform me what seem the prospects.

Remaining your obedient servant,

RICHARD RUSH.

To Messrs. CLARKE, FYNMORE & FLADGATE.

Clarke, Fynmore & Fladgate to Richard Rush.

43 CRAVEN STREET, STRAND, *July* 22, 1837.

DEAR SIR: In answer to your letter of yesterday, on the subject of Mr. Smithson's bequest to the United States, we beg leave to inform you that we have used all the means in our power to bring the matter to a close, but we are still unable to state any definite period at which you might expect to receive the funds.

Our inquiries in Italy have, we trust, put us in possession of such evidence as will fully establish the fact of Mr. Hungerford's death, without having been married; but, however important it may be to do this, still there is another point to be settled before the funds will be available to the United States. This point is the claim of Madame de la Batut, under the will of Colonel Dickinson, (whose executor Mr. Smithson was,) under which will she is entitled for her life to half the colonel's property.

The outline of this claim is, that Mr. Smithson possessed himself of all Colonel Dickinson's estate, and never rendered to Madame de la Batut any account of it; and that, not having done so, she has now a right to call upon Mr. Smithson's executor to do that which he in his lifetime ought to have done. Mr. Drummond has no means of rendering this account; but, until the claim is set at rest, the court could not, of course, order the funds forming part of Smithson's estate to be paid over to the United States; as for anything that appears to the contrary, the greater portion of these funds might have arisen from the property of Colonel Dickinson. Our object now, therefore, is to induce Madame de la Batut to come in and establish some claim in the present suit, (the amount, however, of which we seek, as much as possible, consistently with justice to reduce,) so as to bind her by the present suit, and make it conclusive upon the subject.

Her advisers have but little evidence to offer in support of her case, and have, in consequence, very much delayed the necessary proceedings. We pressed them as much as possible, and, indeed, threatened to bar them, by getting the master to report against them; but, in reply to this, they intimated that, if we did so, they should give notice to Mr. Drummond to hold the funds, and file a bill against him, as executor of Smithson, for an account. As this

would be attended with more delay and expense than it is likely there will be in the present proceedings in the master's office, we are induced to afford every indulgence, urging only all possible despatch, which, as, fortunately, Madame de la Batut's solicitors are persons of the highest respectability, we are sure they will use.

We are your very obedient servants,

CLARKE, FYNMORE & FLADGATE.

To RICHARD RUSH, Esq.

Richard Rush to John Forsyth.

LONDON, *July* 28, 1837.

SIR: I received on the 26th instant, from our minister, Mr. Stevenson, a petition addressed to the President by M. de la Batut, now it seems in France, on the subject of his claims, which had been sent to Mr. S. by Mr. Anderson, chargé d'affaires of the United States at Paris. The nature of these claims is sufficiently stated in my letter of the 24th of last month, and I need not therefore repeat that, according to the view I take of them, they are altogether unreasonable. In writing to Mr. Anderson upon the subject, which I did yesterday, I informed him that Monsieur de la Batut had been in London, urging them upon those who are charged with conducting and superintending the case of the United States before the court of chancery in the matter of the Smithsonian bequest, and that our Government had been apprized of them through my communications to you; that as they were adverse to the interests of the United States, and had been pursued in an adverse manner by M. de la Batut when here, it was not for me to aid in transmitting his paper to the President; but that, as he might wish to have it again, to make his own use of it, I was at a loss how to dispose of it, otherwise than by returning it to him, (Mr. Anderson,) which I therefore felt myself obliged to do, with the explanation here given. Mr. Anderson was probably not before acquainted with any of the circumstances I stated.

I have deemed it right to inform you of the step thus taken in regard to this petition, and hope it will appear to have been proper. I ought to mention, whilst on the sub-

ject, that, on the first arrival of M. de la Batut in London, I caused him to be informed that, although in no event was I authorized to promise him anything from the United States, yet if he promptly afforded the facilities to their suit in chancery, which he justly might, by stating facts within his immediate and full knowledge respecting young Hungerford, he would naturally stand well with our Government; and that, as far as the expression of any favorable opinion of mine towards him was concerned, he would necessarily earn it. Far from listening to what was so unobjectionable, he refused, as made known in one of the letters enclosed with my last, to give any evidence whatever for the United States, except on condition of a previous pledge from me to support all his claims, not perceiving, though so informed that such a pledge, had I even made it, could have availed him nothing.

It may be proper to mention here, also, that it never was my intention, and so I instructed our professional advisers, to raise any captious objections to Monsieur la Batut's claim in right of his wife, so long as he kept it within the limit of the bequest made to her by the will of Henry Louis Dickinson, as explained in my No. 6. The bequest may amount, as I now understand the case, to two hundred and forty pounds sterling a year, at the utmost, during the life of the wife. All I demanded was, that this claim should be substantiated by fair proof, and be adjudged by the court, as I had no authority to give an independent assent to anything that might diminish the fund bequeathed to the United States by Mr. Smithson.

But to suggestions like these he was alike insensible, preferring to take the course and put forward the extravagant claims I have described. I have no fears that the court will allow them; but there is ground for apprehending that he may be able to cause future, as he has past, delays. There is no hope of bringing the case to a conclusion during the present term of the court. It ends next month, and the next term does not commence until November. The master in chancery has not yet made his reports on any of the references made to him by the court, as explained in my No. 9, although I have urged them on by all the means I could use, and will not fail to continue my efforts whilst the present term lasts. Had it not been for the obstructions created by Monsieur de la Batut, this part of the case would have been expedited, and a door the sooner opened by

which the United States might have got possession of the fund.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH, *Secretary of State.*

Richard Rush to John Forsyth.

LONDON, *August* 1, 1837.

SIR: I transmit, herewith, a copy of my account for the year ending yesterday. I also send a list of my drafts upon the bankers of the United States within the same period, as authorized by your letter to the late N. M. de Rothschild of July the 11th, 1836.

The only bill I have yet paid, because the only one I have been able to get in, for legal expenses actually incurred, was one of two hundred pounds four shillings, on the 8th of April, as shown by my draft upon the bankers of that date. For this a voucher is enclosed, with a full statement of the account. More expense, considerably, has been incurred under this head, but no second account has hitherto been rendered to me, although I have asked for and been desirous of obtaining it, the solicitors saying that the items going to make it up are, many of them, still dependent upon services outstanding and incomplete. The heaviest legal expenses will, I apprehend, come in at the final close of the suit. When this will be I dare not promise, since none of our professional advisers will undertake to inform me precisely, although none, I believe, can exceed them in diligence and fidelity, and although they are urged by my reiterated instructions to use all the expedition practicable. The necessity of a reform in the court of chancery was the subject of a special recommendation from the Throne to Parliament, at the session before the last. Its business is very much in arrears. Mr. Pemberton, the leading counsel of the United States, who is also a member of the House of Commons, stated in his place in that body, in February last, that the arrears amounted to between three and four hundred cases two years before, but that they had grown to upwards of eight hundred at the time he was speaking. The cases, in a large proportion, are also of great magnitude.

The Attorney General on the same occasion remarked, that whilst throughout a long course of time the population of England had been increasing six-fold, and her wealth twenty-fold, the judicial establishments had remained nearly the same, so as to amount almost to a denial of justice. There are only eleven masters in chancery, whilst there are those who think that double the number would scarcely be sufficient for the wants of the court in all the different departments of its business at the present epoch. In the midst of such discouragements, and I am bound to state them as truly such, I still do not despair of having the case of the United States brought to a final and successful close in the course of the ensuing winter or spring; it shall be sooner, if possible, as all obstructions that might once have been thought to imply serious difficulty or danger are, I think, overcome. Nevertheless, no assurance can be given that it will be finished as soon as the latest period mentioned. Should it last even through the winter, and my last letter will have informed you that the next term of the court (the present drawing to a close) will not be held until November, there is reason to believe that the fund created by the act of Congress of the 1st of July, 1836, will, through the accruing legal charges and drafts, to which the fund is otherwise liable under your instructions, be exhausted.

In regard to the first legal account, now enclosed, I can only say that I believe it to be reasonable, judged by the standard of similar charges in this country. I felt myself to be an incompetent judge of all the minute items, filling fourteen pages, folio, of an account founded upon the multifarious and artificial proceedings in an English court of chancery; but I went over the whole, judging as well as I could of each, and obtained explanations from the solicitors where I found them necessary. I also sought other aid; I resorted to a citizen of the United States now here, intelligent and trustworthy, and conversant with such accounts, from having superintended several suits in which American interests were at stake in English courts. His opinion was decidedly favorable to the justice and even general moderation of the items, tried by the precedents of which he had knowledge. These precautions, added to the fair character of the solicitors, and their verification, severally, by my request, of the whole account, in the special manner that will be noticed at the foot of it, afforded the only guarantees I could command for its correctness.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH, *Secretary of State.*

Clarke, Fynmore & Fladgate to Richard Rush.

43 CRAVEN STREET, *August* 18, 1837.

DEAR SIR: The court having now risen for the long vacation, we deem it our duty to report to you briefly the state of the cause to which the President of the United States and Mr. Drummond are parties, instituted for the purpose of enabling the President to receive the legacy given by the will of Mr. Smithson.

Pursuant to your constant instructions to bring the matter to a termination with all practicable despatch, we have been actively occupied in satisfying the inquiries directed to be made by the decree of the 1st of February last; and, although the master's report touching these inquires is not yet made, we have been so far successful as to induce us to hope that we should satisfy him upon all points, and obtain early in the next term, such a report as will ensure the speedy receipt by you, on behalf of the President, of the funds in question.

You will remember that these inquiries were three-fold.
1. As to Fitall, the annuitant under the will of Smithson.
2. As to Hungerford's death, unmarried and without issue.
3. As to the alleged claim of Madame de la Batut.

On the first point we have no difficulty, having obtained a certificate of the death of Fitall, whose annuity was paid up to the time of his death, except only the last quarter, which his widow will now receive.

2. As to Hungerford's death without issue, we have obtained a certificate of the death of one Henri de la Batut, under which name we found that he had died; and we have also obtained a certificate, identifying de la Batut with Henry James Hungerford. We have, as directed by the decree, advertised in the newspapers here, in France, and in Italy, touching any wife and children; and these advertisements have produced no claimants. We have obtained from France other confirmatory evidence on these points; amongst the rest, Monsieur de la Batut's statement, (which

however, you will remember he refused to confirm on oath;) and we have little doubt, as above observed, that the evidence obtained will be such as to satisfy the master upon the subject.

These inquiries have of course consumed much time, but we should have had the report before this, had it not been for the remaining point, the claim of Madame de la Batut. As stated in our letter addressed to you on the 22d of July, it is most important that the claim should be disposed of in the present suit; and we are happy to say that the claim has now been formally made, and, we trust, in such a shape as will, if it be sustained by the court at all, bar any ulterior proceedings. The evidence in support of it is not strong, and, for the purpose of strengthening it, interrogatories for the examination of Mr. Drummond have been brought into the master's office; which, however, will not have the desired effect. These interrogatories were exhibited by Madame de la Batut, after much pressing on our parts, and we are now employed in answering them. Having done that, we shall proceed to get the claim settled, if possible, by the allowance of some small sum, and every difficulty will then be at an end.

You may rely on our utmost exertions in bringing the matter to a close; and we are,

Your very obedient servants,

CLARKE, FYNMORE & FLADGATE.

To RICHARD RUSH, Esq.

Richard Rush to John Forsyth.

LONDON, *August* 19, 1837.

SIR: Desiring, before the court of chancery rose, some opinion in writing from the solicitors as to the prospects of a decision of the case, I addressed a few lines to them on the 21st of last month, as by enclosure No. 1, and received an answer the day following, a copy of which (No. 2) is also enclosed. I did not send it to you at that time, or with either of my letters written since, because, although I went to them in person several times, in the hope of verbal explanations that might render it more definite, I found that there was no probability of obtaining any to that effect until after the court had actually risen, at which time I re-

quested they would furnish me with a further communication. The court rose a few days ago, and I yesterday received from them the report, a copy of which (No. 3) is now also transmitted, as the suitable accompaniment to their letter of the 22d of July.

I am happy to find it more satisfactory than that letter; the letter left it doubtful when the obstructing claim of Madame de la Batut, an outline of which is given in their letter, would be put into a proper shape for examination and settlement. Nor could I urge any longer the expediency of a report by the master, during the existence of the term, under reiterated assurances from our solicitors of what is stated in their letter, viz: that to do so might have led to a course, on the part of the solicitors of Madame de la Batut, productive of more delay and expense than are likely to flow from the master's report being withheld until the next term.

The solicitors' report to me, dated yesterday, besides imbodying a succinct statement of the steps taken in the cause since the decree in February, shows that the la Batut claim is at length placed upon a footing to be met and decided upon by the court, which it has been my constant aim to see effected; and although they write with caution as to any precise time when a final and favorable decision of the cause on all its points may be expected, their report is encouraging. I can only add, that nothing shall be omitted by me when the court recommences, or during the vacation, towards securing as prompt an issue to the whole proceedings as may be found practicable.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

The Hon. JOHN FORSYTH, *Secretary of State.*

Richard Rush to John Forsyth.

LONDON, *October* 18, 1837.

SIR: Since transmitting the duplicate of my No. 15, nothing material has occurred for your information. The long autumnal vacation has been going on, and is not yet expired. The business of the court of chancery has there-

fore been at a pause, and no further proceedings have been had in the suit of the United States.

But I have from time to time called upon the solicitors, and am able to report that they have not been idle during this interval. They have been employed in preparing answers to certain interrogatories exhibited on the part of Madame la Batut, with a view to establish her claim; and the strict and careful inquires they have instituted, and will continue to pursue, assure me, although no facts are yet ripe for communication, that the interest of the United States will be well guarded in relation to it. The court will sit again next month, when the steps which the solicitors have been taking, in anticipation of its recommencement, will in due time, I trust, be productive of the proper results. The claim in question has been so vexatiously urged, that my directions have been given for the closest scrutiny into its merits at all points.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

The Hon. JOHN FORSYTH, *Secretary of State.*

Richard Rush to John Forsyth.

LONDON, *October* 27, 1837.

SIR: The court of chancery will resume its sittings next week, and I have this week been in conference with our solicitors, urging them to act expeditiously. Evidence obtained on the la Batut claim, and on other points, now only waits a few forms to go before the master, from whose office a report may be anticipated, as I am confidently told, at a day not distant after the meeting of the court. I trust that this will be the case, and that the report may be satisfactory.

At our conferences, the point of a new power to me from the President, similar to my former one, has been touched upon. It is not considered certain that one will be required; but is deemed to be safest, I find, that I should be armed with one, as the court might possibly ask for it, in the event of a favorable decree, prior to the final order for delivering the fund to the United States, even should the defendant's counsel or the Attorney General not raise the

objection. I will therefore ask the favor of such a power; and as I am at present sanguine in the expectation of a favorable as well as early decision, should nothing unforeseen arise, its transmission as soon as convenient after this request gets to hand might prove desirable.

I have the honor to remain, with great respect, your obedient servant.

RICHARD RUSH.

The Hon. JOHN FORSYTH, *Secretary of State*.

John Forsyth to Richard Rush.

DEPARTMENT OF STATE, *November* 13, 1837.

SIR: The account heretofore rendered by Mr. Brent, our consul at Paris, for moneys expended by him in precautionary measures to obtain for the United States certain property supposed to belong to the estate of the late Mr. Smithson, of London, and which formed the subject of a letter of instructions to you, dated the 17th of November last, has been again presented to this Department for consideration. After a proper examination, the President deems it just that the charge for the professional services of Messrs. Castaignet and Delagrange should be allowed and paid. You are accordingly authorized and requested to discharge Mr. Brent's bill amounting to 272.25 francs, without unnecessary delay. In the final settlement of your account, this item may be debited to the Smithsonian legacy, if recovered, and if not, to the appropriation for prosecuting the claim of the United States to the said legacy.

I am, sir, your obedient servant,

JOHN FORSYTH.

RICHARD RUSH, Esq., &c.

Richard Rush to John Forsyth.

LONDON, *December* 16, 1837.

SIR: The court of chancery met on the 2d of last month, and continues in full session. It was the commencement of the Michaelmas term.

If I have not written to you since the sittings of the

court were resumed, it is because I have had, heretofore, no special matter to communicate, although doing all in my power to accelerate the progress of the suit committed to my superintendence, and endeavoring especially to hasten the report of the master on all the matters referred to him by the court's decree of the 1st of February. I mentioned in one of my letters that there were upwards of eight hundred suits in arrear in this court, some of which it might have been added involve in their issue sums exceeding in amount the sum claimed by the United States. From this cause, which naturally overburdens with business the offices of the masters, it has in part arisen that the master's report in the suit of the United States has not hitherto been made.

But at length, this week, it was in readiness to go in, and would have embraced among other things a favorable report on the claim of Madame la Batut, to the amount of about one hundred and fifty pounds a year, to be paid to her out of the Smithsonian fund during her life. It will be seen how large a reduction has thus been effected of the demands put forth on her behalf, as my past letters have made them all known to you. Our solicitors have rather a confident opinion that there is a prospect of disproving this demand by further evidence yet attainable in France, and I have consequently directed them to take the proper steps for procuring it with all despatch. It is not believed that more than a month will be required for procuring it, and the master's report will be withheld in the mean time. When it arrives, it will be my province to look well to its nature and probable effect, that on the one hand nothing may be lost to which the United States may seem justly entitled, and on the other that the great result of the suit be not put in jeopardy, or injurious delays risked, by doubtful contests for fractional sums.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

The Hon. JOHN FORSYTH, *Secretary of State.*

Richard Rush to John Forsyth.

LONDON, *December* 21, 1837.

SIR: I had the honor to receive on the 18th inst. your instructions of the 13th of November, authorizing and re-

questing me to pay an account amounting to frs. 272 25/100, forwarded to the Department by Mr. Brent, our consul at Paris, the subject-matter of which was formerly made known to me in your letter of the 17th of November, 1836, to which I replied in my No. 6, on the 9th of January following; and I beg leave to say, that on the 19th instant I accordingly remitted to Mr. Brent the above sum, to be debited, as your letter indicates, to the Smithsonian legacy, if recovered, * * * and if not, to the appropriation for prosecuting the claim of the United States to the said legacy.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

The Hon. JOHN FORSYTH, *Secretary of State.*

John Forsyth to Richard Rush.

DEPARTMENT OF STATE, *December* 27, 1837.

SIR: Your despatches to No. 17, inclusive, have been received. In compliance with the request contained in your letter of the 27th of October last, and subsequently urged in your private letter of the 31st of the same month, I transmit to you, enclosed, a new power from the President to provide for the contingency, which you think probable, of such instrument being demanded either by the court, the Attorney General, or the defendant's counsel.

I am, sir, your obedient servant,

JOHN FORSYTH.

RICHARD RUSH, Esq., &c.

Richard Rush to John Forsyth.

LONDON, *January* 30, 1838.

SIR: I had yesterday the honor to receive your letter of the 27th December, enclosing the President's renewal of my power to prosecute the Smithsonian claim, and receive the money for the United States whenever the same may be adjudged. It remains uncertain, as intimated in my communication of the 27th of October, whether the exhibition of the new power will be eventually demanded; but even if

Batut's claim, and that such evidence might be procured either by sending over a commission to Paris, for the examination of witnesses, or by bringing interrogatories into the master's office for the personal examination of Madame de la Batut and her husband. We now know so much of the case that Madame de la Batut would hardly venture to deny any of the necessary facts; but this is not quite certain.

We think that the expense of a commission to examine witnesses would not exceed £150. The expense of interrogatories for the examination of Madame de la Batut would be trifling; probably thirty or forty pounds.

Assuming that the requisite evidence were obtained, we are inclined to think that, notwithstanding Madame de la Batut's resistance, the suit might be wound up before the rising of the court for the long vacation; but, after the observations we have thought it our duty to make in the early part of this letter, you will be able to judge how far this opinion can be relied on.

You will bear in mind that the decision of the master is not final. Exceptions may be taken to his report, and argued before the court; and even an appeal may be brought against the decision of the vice-chancellor, or master of the rolls, and the cause might be taken to the House of Lords. The delay under such circumstances would be very great.

We are your very faithful and obedient servants,

CLARKE, FYNMORE & FLADGATE.

RICHARD RUSH, Esq.

Richard Rush to Clarke, Fynmore & Fladgate.

February 9, 1838.

GENTLEMEN: Your communication of yesterday's date was received, and is satisfactory by its fullness and candor.

Under its representations, I determine not to seek further evidence, by a commission to Paris or otherwise, for the purpose of further reducing the claim of Madame de la Batut.

Let the master's report in this respect be, therefore, made in the state I understood it to have been settled by him; and, now that I take this determination, I trust that it will be made at a very early day.

I need scarcely reiterate to you my most earnest wishes

for a speedy decision of the case, or my instructions that you will urge it on with all the expedition in your power.

In the hope that the decision will be in all things favorable, as well as speedy, I remain your faithful and obedient servant,

RICHARD RUSH.

To Messrs. CLARKE, FYNMORE & FLADGATE.

Richard Rush to John Forsyth.

LONDON, *February* 12, 1838.

SIR: The day after my last number was sent off, I received information from the solicitors that some of the evidence expected from France had arrived, but that it was not of validity to repel the claim of Madame de la Batut. From as much, however, as it disclosed, they pronounced a strong opinion that if a formal commission issued from the court, evidence might finally be had that would defeat it.

On fully weighing what they said, I wrote them a note on the 3d instant, requesting answers to the following inquiries:

1. What would be the probable expense of a commission?
2. How much time would be required for its execution and return?
3. Supposing the evidence obtained under it to be sufficient in their opinion, our counsel's, and my own, to defeat the claim; yet, as the legal advisers of Madame de la Batut might not take the same view of it, and thence contest it, what further delays might such a turn in the case become the means of producing? (I enclose a copy of my note.)

I received an answer from them dated the 8th, a copy of which is also enclosed.

Referring specifically to my inquiries, it will be seen—

1. That they estimate the expense of a commission at one hundred and fifty pounds.
2. That they think it might be executed and returned within three months.
3. That, assuming the requisite evidence to be obtained, they incline to think the suit might be wound up before the rising of the court for the long vacation, (which means in August next;) but after the introductory observations of their note, which advert to the uncertainty of all previous

calculations as to the duration of suits in chancery, they leave me to judge how far this opinion of theirs is to be relied upon; and they conclude with an intimation that the case might, in the end, be taken before the House of Lords on appeal; in which event the delay, they add, would be "very great."

I have determined, under these circumstances, not to seek further evidence by a commission to France or otherwise for defeating the claim, and accordingly wrote to them, on the 9th instant, to proceed with all expedition in bringing the suit to a close without it. A copy of this note is also enclosed. As to bringing interrogatories into the master's office for the personal examination of Madame de la Batut and her husband, as adverted to in the answer from the solicitors, I say nothing of the objections to that mode of getting at more evidence, the solicitors themselves forestalling me by an admission that they could not be certain of its success.

I hope that the determination to which I have come will be approved as judicious. This claim has been already, by full scrutiny and resistance, greatly cut down from its original injustice and extravagance, as a reference to my No. 12, of the 24th of last June, will show. That it might be wholly defeated by going on to pursue measures within our power, I incline to believe. The solicitors tell me that they think so decidedly, and their letter is to the same effect. But it is now necessary to balance the advantage to be gained by doing so against the time and money it would cost. The report in favor of the claimant, as the master has determined to make it in the state of the evidence as now before him, will not, by the information I have received and heretofore communicated, be likely to exceed one hundred and fifty pounds a year, payable during her life; to which will have to be added a few years of arrears, calculated on the basis of whatever may be the precise amount of the annuity allowed. The claimant, as far as I can learn, is about sixty years old. Hence, supposing that measures necessary for the total defeat of her claim occupied only another twelvemonth, it seems probable that the very cost of the agency for going on with them, added to all unforeseen legal fees and expenses, might prove more than the annuity is worth. That the suit would be lengthened out another twelvemonth by going into the measures in question, can scarcely, I think be deemed a strained inference, from all that the solicitors

say in their letter, not to dwell upon contingencies coming within its scope that might make the time longer. Should the suit reach the House of Lords, for example, by appeal, it would not be easy to assign a limit to its duration.

I trust, therefore, it will be thought that I exercise a proper discretion, as representing the interests of the United States, in determining not to expose myself to any of these hazards, and new ones that might even chance to spring out of them as time was opened for their operation. It seems to me, conclusively, that I should henceforth rather strive to obtain a decision of their suit as speedily as possible, regardless of the small and temporary diminution of the fund, should it be finally adjudged in their favor, which the foregoing payments to Madame de la Batut would occasion. Opposition has been effectively made to the claim up to the point, it is believed, that duty enjoined and prudence would sanction; to go farther seems not reconcilable with the latter, under the certain and contingent delays and dangers I set forth.

The occasion may be a fit one for remarking, that when this claim first assumed a vexatious aspect last summer, my immediate wish and suggestions were to get a decree in favor of the United States for the general fund, leaving such fractional portion of it *sub judice* as would have been sufficient to satisfy the claim if established; thus cutting short delay from this source, by which this agency might have had the chance to be closed the sooner, and the bulk of the fund secured to the United States at the earliest possible day. The last I hold an object of pressing importance, encompassed, as all law suits more or less are, (to say nothing of the peculiar nature of this,) by hidden risks. But it was part of the vexation of the claim that our legal advisers found the course I desired to pursue impracticable, for the reason mentioned in the letter of the solicitors of the 22d of July, a copy of which was forwarded with my No. 15 on the 19th of August.

Now that this obstruction is removed from my path by the determination I have taken in regard to it, I indulge the hope that no new one will be thrown across it; and can only repeat the assurance, that nothing within my power shall be left undone towards accelerating the suit, anxiously desiring, on all public and personal accounts, (if I may speak in the latter sense,) to see it terminated.

In the continued hope that the decision, when it comes,

may be favorable, I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

The Hon. JOHN FORSYTH, *Secretary of State.*

S. Pleasanton to John Forsyth.

TREASURY DEPARTMENT,
FIFTH AUDITOR'S OFFICE, *March* 14, 1838.

SIR: In reply to your letter of this morning, I have the honor to inform you that the amount of the appropriation made by the act of Congress of July 1, 1836, for the expenses of prosecuting the claim of the United States to the Smithsonian legacy, was remitted to their bankers in London, on the 16th of the same month—$10,000.

Of which sum the said bankers have paid to the order of Richard Rush, the agent appointed under that act, from 1st August, 1836, to 31st December, 1837		$8,493 11
Applied as follows, viz:		
Agent's salary for one year, ending 31st July, 1837	$3,000 00	
Personal and other expenses (excepting law expenses) same period	2,000 00	
Paid Clarke, Fynmore & Fladgate, solicitors, at London, for various professional services in relation to the legacy	889 77	
Credited to Mr. Rush on accounts rendered by him	$5,889 77	
At the above rates of salary and expenses, the agent will be entitled to credit up to 31st December, 1837, exclusive of law expenses for one half year, ending with that date	2,500 00	
		8,389 77
Leaving a balance, to be accounted for by him, of		$103 34

The balance remaining unexpended by the bankers, of the appropriation in question, on the 31st of December last, was, as will be perceived from the above statement, $1,506\frac{89}{100}$.

I have the honor to be, very respectfully, sir, your obedient servant,

S. PLEASONTON.

Hon. JOHN FORSYTH, *Secretary of State.*

Richard Rush to John Forsyth.

LONDON, *March* 28, 1838.

SIR: Since the date of my last letter, the report of the master has been duly made, and yesterday it was confirmed. This is a step forward in the case which I am at length happy to announce. It is second in importance only to the decree of the court on the whole merits, and has laid the best foundation for speedily obtaining that decree.

The precise sum that the report allows to Madame de la Batut is one hundred and fifty pounds and nine shillings, to be paid to her annually during her life, with a payment of arrears, to be calculated on this basis, from some period in 1834; the exact date of which I have not at this moment, but will mention when I next write.

The court takes a recess next week for the Easter holidays; these will last until the 17th or 20th of April. The case will be set down for another hearing before the court at as early a day as I can command after it re-assembles. A decree, I am informed, will be pronounced after this hearing on all the facts as settled by the master—a favorable one, as I hope, for the United States.

By the determination I took respecting the claim of Madame de la Batut, as announced in my last, her professional advisers, knowing that she can now get no more than the report allows her, are interested in co-operating with me towards a prompt decision, instead of resorting to adverse proceedings to prolong or thwart it—a course which they have been more or less pursuing hitherto.

On better grounds than ever I think I may, therefore, flatter myself that the case approaches its conclusion; and I will only add that its remaining stages shall be watched by me with a care proportioned to the auspicious results that I believe to be near at hand.

I have the honor to remain, with great respect, your obedient servant, RICHARD RUSH.

Hon. JOHN FORSYTH, *Secretary of State.*

Richard Rush to John Forsyth.

LONDON, *April* 24, 1838.

SIR: The court re-assembled last week, since which I have been doing all that is practicable, by personal calls

upon the solicitors and otherwise, to urge on the case: and shall continue this course.

Judging by all they say to me, and my own knowledge of the present situation of the case, I have a confident and, I trust, well-founded belief that May will not elapse without its being brought to a hearing.

Referring to my No. 22, I now beg leave to state that the 22d of September, 1834, is the date from which the annuity allowed by the master's report to Madame de la Batut was to commence; and that the arrears to be paid to her, in the event of a decision in favor of the United States, were to be computed from that time to the 22d of March last. This makes three years and six months, so that the sum due on an annuity of £150 9*s.* would be £526 11*s.* 6*d.*

I have the honor to be, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH, *Secretary of State.*

Richard Rush to John Forsyth.

LONDON, *May* 3, 1838.

SIR: I am glad to say that the confidence expressed in my last that a hearing of the case was near at hand has been justified, even sooner than I expected, for it was heard on the 1st of this month, and I am now to have the honor of reporting to you the nature of the hearing.

Mr. Pemberton, our leading counsel, rose, and after recapitulating the general nature of the case, as formerly heard by the court, proceeded to state that the reference to the master as ordered by the decree in February, 1837, had duly taken place, and that all the requisite evidence had been obtained in England and from Italy and France, as to the facts on the happening of which the United States were to become entitled to the fund bequeathed by Mr. Smithson for the purpose mentioned in his will. These facts I need not here repeat, being already set forth specially in my No. 9, of the 25th of March, 1837.

Overlooking a volume of matter merely technical in the evidence and report, or now become immaterial to the main points, it will be sufficient to say that it was satisfactorily established by the former that Henry James Hungerford,

named in the pleadings, was dead; that he died at Pisa, i the summer of 1835; that he was not married at the tim of his death, nor at any time; and that he died childles It was not found how old he was at the time of his death nor is that material to any of the issues. As to John Fital it was found that he died in London, in June, 1834; and a to Madame de la Batut, the mother of Henry James Hun gerford, the master, on the evidence before him, found he to have a claim on the estate of Mr. Smithson to th amount of one hundred and fifty pounds and nine shilling a year, payable as long as she lives, and for the arrears o this annual allowance from the 22d of September, 1834, t the 23d of last March.

The establishment of all the foregoing facts will be foun to meet the essential inquiries to which the master's atter tion was directed by the court's first decree, as reported i my No. 9. Mr. Smithson's will having provided, amon other things, that on the death of his nephew, Henry Jame Hungerford, "without leaving child or children," the whol of his property should go to the United States; and thi primary fact being now incontestably established in due an legal form under the authority of the court, and all othe proof required by the pleadings obtained, Mr. Pemberto asked for a decree declaring the United States entitled t the property. The representative of the attorney general who was present in court, said that he believed everythin had been established, as stated, and that the rules relatin to public charities, as applicable to this case, calling for n objection on the part of the Crown, none would be inter posed—a course that falls in with what was said by the sam officer on the occasion of the first decree, as reported in m No. 7.

The counsel of the defendants, Messieurs Drummond agreed also to what was stated, and had nothing to alleg in opposition to the claim of the United States.

The counsel of Madame de la Batut were also content the course I took, as made known in my No. 21, having pu an end to opposition from that quarter.

All essential facts being at length fully and formally es tablished, and opposition from all quarters quieted by th measures I have directed, there seemed no reason why a decree in favor of the United States should not at once b pronounced; but Mr. Pemberton having stated that, in th end, a petition would have to be presented for a transfer o

the fund to me, as representing the United States, the master of the rolls said that he would pause upon his final decision until that petition was presented.

It is thus that the case now stands. It will come on again one day next week, and I have every ground for believing that my next communication will inform you of a decree having passed declaring the United States entitled to the fund.

Should the forms of chancery require any authentication of my power to receive the fund that Mr. Stevenson can give, he will be ready, at any moment, to give it, as he has assured me; and should his important aid be otherwise needed in anyway before the suit is closed, I shall not scruple to call upon him, knowing how zealously he would afford it.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

The Hon. JOHN FORSYTH, *Secretary of State.*

Richard Rush to John Forsyth.

LONDON, *May* 12, 1838.

SIR: I have great satisfaction in announcing to you, for the President's information, that the case came on to be heard again on the 9th instant, when a decree was solemnly pronounced, adjudging the Smithsonian bequest to the United States.

Both my powers had been previously lodged with the court—not one only, as stated in newspaper reports of the case; and no question was raised as to my full authority to receive the money on behalf of the United States, without calling for any further authentication of my powers.

The suit is therefore ended without fear of more delays; nothing but a few forms remaining to put me in actual possession of the fund. These, I have the hope, may be completed within the present month.

The fund is invested in the stocks of this country, of which I shall, in due time, have an exact account. The largest portion is in the three per cent. annuities. The entire aggregate amounts to fully one hundred thousand pounds; and this, according to my present information, exclusive of about five thousand pounds to be reserved by

the court to meet the annual charge in favor of Madame la Batut during her life; the sum producing it to revert to the United States when she dies.

As soon as the decree is formally made up, the accountant general of the court will transfer all the stock to me, under its sanction, except the small sum to be reserved as above.

Having no special instructions as to what I am to do with it, my present intention is to sell the whole, at the best time and for the best prices to be commanded, and bring it over in gold for delivery to the Treasurer of the United States, in fulfilment of the trust with which I am charged. But I will reflect further upon the mode of bringing it home, and adopt that which, under all circumstances, may seem best.

The result I announce will, I trust, justify, in the President's eyes, the determination I took to let the allowance made to Madame la Batut by the master's report stand without attempting to overset it, whatever might have been the prospect or assurance of ultimate success. The longer the suit lasted, the greater were the risks to which it was exposed. A large sum of money, the whole mentioned above, was to go out of the kingdom, unless an heir could be found to a wandering young Englishman, who had died in Italy at eight or nine and twenty,* and whose mother, never lawfully married, still lives in France. Here was basis enough for the artful and dishonest to fabricate stories of heirship, on allegations of this young Englishman having been married. That fact assumed, the main stumbling-block to their devices would have disappeared. Fabrications to this effect might have been made to wear the semblance of truth by offers in the market of perjury of Italy, France, and England—incidents like these being familiar to history, whether we take public annals, or those of families; and although the combinations, however craftily set on foot, might have been defeated in the end, it is easy to perceive that time and expense would have been required to defeat them. The possibility of their being formed (never to be regarded as very remote while the suit remained open) made it my first anxiety, as it was always my first duty, to have it decided as soon as possible, and to

* Believed to be the age of Henry James Hungerford, though not found in the master's report.

take care even that it moved on during its pendency with no more of publicity to its peculiar circumstances than could be avoided. I trust that both these feelings have been discernible in the general current of my letters to you, reporting all the steps I have taken in it from my first arrival.

Need I add, as a further incentive to despatch, had further been wanting, that events bearing unfavorably upon the public affairs of this country, above all upon the harmony or stability of its foreign relations, would not have failed to operate inauspiciously upon the suit, if in nothing else, by causing stocks to fall. They did begin to fall on the first news of the rebellion in Canada, not recovering until the accounts of its suppression arrived. The case is now beyond the reach of accident, whether from political causes, or others inherent in its nature; and that its final decision thus early has been brought about by the course adopted in February, I am no longer permitted to doubt. *Early* may at first seem a word little applicable, after one entire year and the best part of a second have been devoted to getting the decision; but when the proverbial delays of chancery are considered, (and they could hardly have become a proverb without some foundation,) it may not, perhaps, be thought wholly out of place. Although neither the counsel nor solicitors gave their previous advice to the course, it being a point of conduct for my decision rather than of law for theirs, it is yet satisfactory to be able to state that they approved it afterwards. They regarded it as best consulting the interests of the United States, on every broad view of a case where a great moral object, higher than the pecuniary one, was at stake, enhancing the motives for rescuing it, at the earliest fit moment, from all the unavoidable risks and uncertainties of the future. A fortnight has not elapsed since it was said in the House of Commons by an able member that "a chancery suit was a thing that might begin with a man's life and its termination be his epitaph."

On the whole, I ask leave to congratulate the President and yourself on the result. A suit of higher interest and dignity has rarely, perhaps, been before the tribunals of a nation. If the trust created by the testator's will be successfully carried into effect by the enlightened legislation of Congress, benefits may flow to the United States and to the human family not easy to be estimated, because operating

silently and gradually throughout time, yet operating not the less effectually. Not to speak of the inappreciable value of letters to individual and social man, the monuments which they raise to a nation's glory often last when others perish, and seem especially appropriate to the glory of a republic whose foundations are laid in the presumed intelligence of its citizens, and can only be strengthened and perpetuated as that improves. May I also claim to share in the pleasure that attends on relieved anxiety now that the suit is ended?

I have made inquiries from time to time, in the hope of finding out something of the man, personally a stranger to our people, who has sought to benefit distant ages by founding, in the capital of the American Union, an institution (to describe it in his own simple and comprehensive language) FOR THE INCREASE AND DIFFUSION OF KNOWLEDGE AMONG MEN. I have not heard a great deal. What I have heard and may confide in amounts to this: That he was, in fact, the natural son of the Duke of Northumberland; that his mother was a Mrs. Macie, of an ancient family in Wiltshire of the name of Hungerford; that he was educated at Oxford, where he took an honorary degree in 1786; that he went under the name of James Lewis Macie until a few years after he had left the university, when he took that of Smithson, ever after signing only James Smithson, as in his will; that he does not appear to have had any fixed home, living in lodgings when in London, and occasionally staying a year or two at a time in cities on the continent, as Paris, Berlin, Florence, Genoa, at which last he died; and that the ample provision made for him by the Duke of Northumberland, with retired and simple habits, enabled him to accumulate the fortune which now passes to the United States. I have inquired if his political opinions or bias were supposed to be of a nature that led him to select the United States as the great trustee of his enlarged and philanthropic views. The reply has been, that his opinions, as far as known or inferred, were thought to favor monarchical rather than popular institutions; but that he interested himself little in questions of government, being devoted to science, and chiefly chemistry; that this had introduced him to the society of Cavendish, Wollaston, and others advantageously known to the Royal Society in London, of which body he was a member, and to the archives of which he made contributions; and that he also became acquainted,

through his visits to the continent, with eminent chemists in France, Italy, and Germany. Finally, that he was a gentleman of feeble health, but always of courteous though reserved manners and conversation.

Such I learn to have been some of the characteristics of the man whom generations to come may see cause to bless, and whose will may enrol his name with the benefactors of mankind.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

The Hon. JOHN FORSYTH, *Secretary of State.*

"A."

IN CHANCERY, MAY 12, 1838.

PRESIDENT OF THE UNITED STATES, *vs.* DRUMMOND. } *Order on further directions.*

AT THE ROLLS, —— ——, *Master of the Rolls*—£3 10s. —76.

Between the President of the United States of America, *plaintiff*, *and* Charles Drummond and her Majesty's Attorney General, *defendants.*	*Saturday, the 12th day of May, in the first year of the reign of her Majesty Queen Victoria*, 1838.

This cause coming on the 1st day of February, 1837, to be heard and debated before the right honorable the master of the rolls, in the presence of counsel learned on both sides, his lordship did order that the plaintiff's bill should be amended, by stating the act of Congress passed in the year 1836; and the said bill being amended in court accordingly, upon hearing the same act of Congress, and also the power of attorney granted to Richard Rush, Esq., mentioned in the said bill as amended, read, his lordship did order that it should be referred to the master to whom the cause of Hungerford *vs.* Drummond stood transferred, to carry on the account directed by the decree of the 15th day

of December, 1829; and it was ordered that the said master should inquire whether John Fitall, in the pleadings of this cause named, was living or dead; and if the said master should find that the said John Fitall was dead, then it was ordered that he should inquire and state when he died. And it was ordered that the said master should inquire whether Henry James Hungerford, in the pleadings also named, was living or dead; and if the said master should find that the said Henry James Hungerford was dead, then it was ordered that he should inquire and state when he died, and whether he was married or unmarried at the time of his decease; and if married, whether he left any, and what, children or child him surviving; and the said master was to inquire and state the ages of such children, respectively, if more than one. And it was ordered that the said master should inquire and state to the court whether Madame de la Batut had any claim on the said testator Smithson's estate; and, for the better discovery of the matters aforesaid, the usual directions were given, and his lordship did reserve the consideration of all further directions, and of the costs of this suit, until after the said master should have made his report. That, in pursuance of the said decree, the said master made his report, dated the 23d day of March, 1838, which stands absolutely confirmed by an order dated the 27th day of March, 1838, and thereby certified he found that the sum of £53 7*s.* 6*d.* was justly due and owing to Messrs. Thomas Clarke & Co., the solicitors for the defendant Charles Drummond, from the estate of the said testator; and he found that the said John Fitall was dead, and that he died at Bush house, Wanstead, in the county of Essex, on the 14th day of June, 1834; and he found that the said Henry James Hungerford assumed the name of De la Batut, and was known as Baron Eunice de la Batut and died at the Royal hotel, called the Donzelle, situate at Pisa, on or about the 5th day of June, 1835, without ever having been married, and without leaving any issue. And the said master certified that he was of opinion and did find that the said Mary Ann de la Batut, in her right, was entitled to a claim on the estate of the said testator, James Smithson, for an interest during the life of the said Mary Ann de la Batut, in a moiety of the annual income or sum of 7,673 livres de rentes, in the report mentioned, amounting in value to the annual sum of £150 9*s.* sterling money of Great Britain and Ireland, calculated at

the current rate of exchange in the city of London, on the 8th day of March, 1838; and he found that the income arising from the said French stock or fund, called livres de rentes, was payable and paid half-yearly by the French Government, on or about the 22d day of March and the 22d day of September in each year; and he also found that there was due and owing to the said Mary Ann de la Batut, (or the said Theodore de la Batut, in her right,) from the estate of the said testator, James Smithson, the sum of 13,427 francs 75 centimes, for arrears of the said annuity, from the 22d day of September, 1834, to the 22d day of March, 1838, amounting in value to £526 11s. 6d., sterling money of Great Britain and Ireland, calculated at the current rate of exchange in the said city of London, as aforesaid; and he found that the annual income or annuity to which the said Mary Ann de la Batut (or the said Theodore de la Batut, in her right) was entitled for her life out of the estate of the said testator, James Smithson, amounting to £150 9s. sterling money of Great Britain and Ireland as aforesaid. And whereas the above named plaintiff and Richard Rush did, on the 3d day of May, 1838, prefer their petition unto the right honorable the master of the rolls, setting forth as therein set forth, and praying that the residue of the several stocks, funds, and securities, and cash, respectively, standing in the name of the accountant general of this court, in trust in the cause of Hungerford *vs.* Drummond, and in trust in this cause, which should remain after providing for and satisfying the annual and other payments directed by the will of the said testator, and the costs and charges to which the estate of the said testator had been rendered liable by virtue of the several proceedings and measures aforesaid, or any of them, might be respectively transferred, (the amount thereof to be verified by affidavit,) in the books of the governor and company of the Bank of England, and paid to the petitioner, Richard Rush; and that the boxes and packages mentioned in the said master's report might be delivered into the custody of the petitioner, Richard Rush. Whereupon all parties concerned were ordered to attend his lordship on the matter of the said petition, when this cause should come on to be heard for further directions; and this cause coming on this present day to be heard before the right honorable the master of the rolls for further directions on the said master's said report, and as to the measure of costs reserved in the said

decree, in the presence of counsel learned on both sides: upon opening and debate of the measure, and hearing the said decree, the said report, the said order dated the 27th day of March, the said petition, and the accountant general's certificates read, and what was alleged by the counsel on all sides, his lordship doth declare that the plaintiff is entitled to the residue of the several stocks, and securities, and cash, respectively, standing in the name of the accountant general of this court, in trust in this cause, and also in trust in a certain other cause of Hungerford against Drummond, in the master's report mentioned, and the other property of James Smithson, the testator, in the pleadings in this cause named, after providing for the payment hereinafter directed; and it is ordered that the sixty-two thousand seven hundred and thirty-nine pounds nineteen shillings and two pence bank three pounds per cent. annuities, twelve thousand pounds reduced annuities, and sixteen thousand one hundred pounds bank stock, respectively, standing in the name of the said accountant general, in trust in the cause of Hungerford *vs.* Drummond, and the sum of one thousand seven hundred and sixty-five pounds two shillings cash in the bank, remaining on the credit of the said cause, be respectively carried over in trust in and to the credit of this cause; and the said accountant general is to declare the trust of the said several sums of stock, accordingly, subject to the further order of this court; and out of the said sum of one thousand seven hundred and seventy-five pounds two shillings cash, when so carried over, and the sum of two hundred and four pounds six shillings and eight pence cash in the bank, on the credit of this cause, it is ordered that the sum of fifty-three pounds seven shillings and six pence be paid to Mr. Thomas George Fynmore; and thereout, also, it is ordered that the sum of five hundred and twenty-six pounds eleven shillings and six pence be carried over, with the privity of the said accountant general, and placed to the credit of this cause, to an account to be entitled "The account of the annuitant Mary Ann de la Batut;" and thereout, also, it is ordered that the sum of twenty-five pounds be paid to Mrs. Elizabeth Fitall, (as executrix of John Fitall, deceased;) and it is ordered that it be referred to the master to whom this cause stands referred, to tax all parties their costs of this suit, and relating thereto, properly incurred; the costs of the plaintiff, and of the defendant Charles Drummond, to be

taxed as between solicitor and client; and it is ordered that the amount of such costs, when taxed, be paid out of one thousand three hundred and sixty-four pounds nine shillings and eight pence cash, which will then be remaining on the credit of this cause, after the several before mentioned payments, in manner following, that is to say: the costs of the said plaintiff to Mr. Thomas Clarke, his solicitor; and the costs of the defendant Charles Drummond to Mr. Thomas George Fynmore, his solicitor; and the costs of her Majesty's attorney general, to Mr. George Maule, her solicitor. It is ordered that five thousand and fifteen pounds bank three pounds per cent. annuities, part of the six thousand eight hundred and ten pounds nineteen shillings and seven pence, like annuities, standing in the name of the said accountant general, in trust in this cause, and any interest which may accrue on the said sum of five thousand and fifteen pounds bank three pounds per cent. annuities, previous to the carrying over hereby directed, be, in like manner, carried over in trust, in this cause, to the separate account of Mary Ann de la Batut, entitled "The account of the annuitant Mary Ann de la Batut," and the said accountant general is to declare the trust thereof accordingly, subject to the further order of this court. And it is ordered that the interest and dividends thereof, which shall accrue during the life of the said Mary Ann de la Batut, be paid to her during her life, or until the further order of this court, for her separate use, and on her sole receipt, by equal half-yearly payments, on the 22d day of September and the 22d day of March in every year; the first payment thereof to be made on the 22d day of September next. And it is ordered that the said sixty-two thousand seven hundred and thirty-nine pounds nineteen shillings and two pence bank three pounds per cent. annuities, twelve thousand pounds reduced annuities, and sixteen thousand one hundred pounds bank stock, when so respectively carried over, and one thousand seven hundred and ninety-five pounds nineteen shillings and seven pence three pounds per cent. annuities, residue of the said six thousand eight hundred and ten pounds nineteen shillings and seven pence, like annuities, after such carrying over of part thereof as aforesaid, and the residue of the said sum of one thousand three hundred and sixty-four pounds nine shillings and eight pence cash, after the payments thereout hereinbefore directed, (the amount of such residue to be verified by affidavit,) be transferred

and paid to Mr. Richard Rush, in the plaintiff's bill named. And it is ordered that the boxes and packages in the master's report of the twenty-eighth day of June one thousand eight hundred and thirty-one, in the said cause of Hungerford *vs.* Drummond mentioned, be delivered into the custody of the said Richard Rush, as attorney or otherwise for the plaintiff; and, for the purposes aforesaid, the said accountant general is to draw on the bank, according to the form prescribed by the act of Parliament, and the general rules and orders of this court in that case made and provided; and any of the parties are to be at liberty to apply to this court as they may be advised. H. H.

Entered: E. R.

Richard Rush to Clarke, Fynmore & Fladgate.

MAY 31, 1838.

GENTLEMEN: I need scarcely again make known to you what I have so frequently urged in person since the decision on the 9th instant, viz: my anxiety to have the necessary document from the proper office of the court, by which the Smithsonian fund adjudged to the United States may be placed at my disposal. But, whatever the past obstacles which you may not have been able to prevent, I must ask the favor of your renewed and best exertions for causing me to be put in possession of it at the earliest possible day; the more so, as we are now at the end of the month, and my being invested with the requisite authority is an indispensable preliminary to arrangements for selling the stock advantageously in June, prior to my embarkation with the fund for the United States. Your past attention to the case is a pledge to me that you will do all in your power to fulfil my wishes; in which assurance I remain,

Your obedient servant,

RICHARD RUSH.

TO CLARKE, FYNMORE & FLADGATE.

Richard Rush to John Forsyth.

LONDON, *June* 5, 1838.

SIR: With all my exertions to have the forms necessary for putting me in possession of the Smithsonian fund com-

pleted in May, it will be seen, from the enclosed copy of a letter to me from the solicitors, in reply to one I wrote them on the last of May, (a copy of which is also enclosed,) that it is only to-day that all the forms have been finally and fully completed.

After getting this information, I went immediately to the proper department of the accountant general of the court of chancery at the Bank of England, and find that there has been transferred to me the following stock, viz:

1. Sixty-four thousand five hundred and thirty-five pounds eighteen shillings and nine pence in the consolidated three per cent. annuities, commonly called consols by abbreviation.

2. Twelve thousand pounds in reduced three per cent. annuities.

3. Sixteen thousand one hundred pounds in bank stock.

The books at the bank show the above stock to have been regularly transferred to me under the authority of the court of chancery, by the accountant general, as the proper officer of the court, in virtue of the decree reported in my last; and I have accepted the same on the books, on behalf of the United States, by signing my name to a form of acceptance drawn out under each transfer.

The above stock constitutes, with the exception of five thousand and fifteen pounds, the whole property left by Mr. Smithson to the United States, and now recovered for them, with the further exception of some small sum in cash, to which the solicitors refer as still to come from the accountant general, but of which I have as yet no statement.

The sum of five thousand and fifteen pounds in consols, it has been decreed by the court is to be reserved and set apart to answer the annuity payable to Madame la Batut; the principal to revert to the United States on the death of the annuitant.

I have taken care to instruct the solicitors to see that there is due proof at all times of the annuitant being in full life as the half-yearly payments are made to her.

Although the aggregate of the stock transferred as above is under one hundred thousand pounds in its nominal amount, there is no doubt whatever but that the sale of it will yield more than that sum.

The transfer by the accountant general was made to me only to-day; and this is so far fortunate as that it could not otherwise have been effected as to the principal part of the

stock (viz: the three per cent. annuities) until the 17th of July, the books closing after to-day for the transfer of this species of stock until the date I mention.

The important operation of selling the stock now remains to be conducted, and shall claim my careful attention. I design to go into the city to-morrow, with a view to adopting the earliest measures for this purpose; taking advice, in aid of my own judgment, for so managing the sales as best to promote the interests of the United States.

I continue to think that the best mode of bringing home the money will be in gold, in English sovereigns. Exchange is low, and so will insurance be at this season; and on all accounts it seems to me the preferable mode in which to realize the fund, and deliver it over to the Treasurer of the United States on my arrival, in final discharge of the trust confided to me.

I shall hope to make some report of my steps by the next packet; and in the meantime have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

The Hon. JOHN FORSYTH, *Secretary of State.*

Clarke, Fynmore & Fladgate to Richard Rush.

43 CRAVEN STREET, STRAND, *June* 5, 1838.

DEAR SIR: We beg to assure you, in answer to your favor of the 31st of May, that our endeavors to get through the forms necessary for winding up the suit, and putting you into possession of the Smithsonian fund, have not been less urgent and unremitting than have been your applications to ourselves upon the subject. The circumstance of the shutting of the offices of the court of chancery for the holidays, at a period when they are ordinarily open, and some other petty difficulties not within our control, have, however, prevented our getting through all the forms in the month of May, as we hoped to have been able to do.

We have now, however, the satisfaction to announce to you that everything is complete, and that the accountant general of the court of chancery has transferred into your name the several sums following:

£64,535	18	9	consols.
12,000	0	0	reduced annuities.
16,100	0	0	bank stock.

These sums are entirely at your disposal, free from the control of the court of chancery.

There will be, in addition, a small cash balance, which, in the course of a few days, you will be able to receive of the accountant general.

We are, very faithfully, your obedient servants,

CLARKE, FYNMORE & FLADGATE.

RICHARD RUSH, Esq.

Richard Rush to John Forsyth.

LONDON, *June* 13, 1838.

SIR: I am glad to be able to report to you that the sales of the stock are going on well.

The whole of the consols have been sold, and part of the bank stock.

A portion of the consols, viz: £4,535 18*s.* 9*d.* was sold on the 6th instant for cash, at 94⅜. This was considered a high price; more could not have been obtained for cash.

My first desire was to sell all the stock for cash, and immediately, that I might the sooner close the whole operation and get away; but such a course I soon found, on the best information and advice, would have been injudicious.

To have attempted a sale of the bank stock, for example, all at once, would probably have depressed the market for this particular species of security, and occasioned a loss of several hundred pounds. The reason is, that the dealings in it, contradistinguished from those in the great national stocks, are limited, and confined to a very few persons on the stock exchange. The course which prudence dictated was, to sell it out in small parcels, under careful instructions to the broker on each day of the sale.

As it thus became necessary, in order to guard against loss, that I should allow myself some little latitude as to time in selling the bank stock, it opened a door the more properly for disposing of the other stock on time, at a short interval; the more especially if by that mode it could be made to produce a larger sum.

Accordingly, on the same day that I disposed of a portion of the consols for cash, which served also as a feeler to ascertain the cash price, I caused the whole of what remained of this stock, viz: £60,000, to be sold on time for

the 6th July, that being the day after dividend day, which falls on the 5th of July.

It gives me great satisfaction to state that this sale was effected at 95⅛.

Up to the day when it was effected, consols had not brought so high a price, as far as I have yet been able to examine the London Mercantile Price Current, for nearly eight years before.

Two sales have been made of the bank stock, viz: one of £3,000, the other of £5,000; the former at 204⅞, the latter at 204¾; both sales being for the 30th instant, the money payable and stock to be delivered on that day. Should the remainder be sold at these rates, or near them, it will be seen that the bank stock, though in nominal amount only £16,100, as stated in my last, will yield upwards of £30,000.

In the important operations of selling the stock, I am receiving the most beneficial aid from the constant advice and active daily co-operation in all ways of our consul, Colonel Aspinwall, whose long residence in London and ample opportunities of knowing the mysteries of its great stock market, and the minute details of doing business in it, have given him the ability to aid me. It is thus that I am selling to every advantage.

None of the three per cent. reduced annuities have yet been sold. We are watching the market with a view to the most favorable moment for disposing of this part of the stock.

The fortunate point of time was hit for selling out the consols. They have now sunk a little, and, with the exception of momentary intervals, would not have brought as much since the 6th instant as I obtained.

From the sales made, it is now I think certain that the whole stock will yield from one hundred and three to one hundred and five thousand pounds, apart from the five thousand and fifteen to be retained here during the life of Madame la Batut.

From the successful manner in which they are proceeding, it seems clear also, at the present time, that the fund, independent of the accumulations of interest, will be richer in the state in which I shall deliver it over to the United States, than it was in the summer of 1835, when their right to it first attached by the death of Henry James Hungerford.

Left to myself to make the most of the fund after recovering it from chancery, which depended so much on the sale of the stock, it has not been without full consideration that I did not call on the Messrs. Rothschild to sell it all, for which their experience and situation here, besides being the bankers of the United States, might have seemed to point them out. But, first, they would, I take for granted, have charged a commission of one per cent., to which I could not have objected, as it is allowed here, apart from the broker's commission, and by the chamber of commerce at New York on effecting sales of stock; whilst Colonel Aspinwall charges me no such commission, and I much desired to save the amount of it to the fund, if, with his efficient aid, I could conduct the sales confidently and advantageously myself. But, secondly, if the former, as the bankers of the United States, would have performed the task without charge, I should not have been the less disinclined to place it in their hands, having had no instructions to do so, and, being without these, I could only exercise my best discretion. They are, as I in common with others here suppose, very large dealers in stock on their own account, as occasion may serve; and hence may naturally be supposed to desire sometimes a rise, sometimes a fall, in these ever-fluctuating things. With more than a hundred thousand pounds to throw upon the market, I therefore thought it best, acting on a general rule of prudence in all business, to keep the operation of selling entirely clear of every quarter where any insensible bias might, by possibility even, exist to a course other than that which would regard alone the Smithsonian fund.

I design to leave no sale outstanding after the 6th of July. The subsequent steps, however, for obtaining the gold, and those necessary in various ways for shipping it, will render it impracticable for me to embark with it in the packet which sails from Portsmouth on the 10th of July, that packet leaving London always on the 7th. But I will follow in the succeeding one of the 20th of July, which leaves this port on the 17th, before which time I trust that everything will have been fully and satisfactorily closed, as far as the trust can be closed here.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

The Hon. JOHN FORSYTH, *Secretary of State.*

Richard Rush to John Forsyth.

LONDON, *June* 26, 1838.

SIR: Since my No. 27, the sales of the stock have been going on from time to time, and at length are finally closed.

They have all been good—perhaps I may say fortunate. The prices have been high, as compared with the state of the stock market for several years past; and I am confidently informed that, from the time the stock came under my control until I sold it all, no higher prices were obtained by any private seller than I obtained.

The whole of the reduced three per cent. annuities (£12,000) sold at 94. This description of stock is never as high as consols, but 94 is reputed nearly, if not quite, as good a price, in proportion to its general value in the English stock market, as the 95⅛ I obtained for the consols.

Of the bank stock unsold at the date of my last, (viz: £8,100,) I obtained 205 for £5,000, and 205¼ for the remaining £3,100. Both these prices, it will be perceived, are higher than the former ones I obtained for this stock.

The entire amount of sales has more than realized the anticipations held out in my No. 27, having yielded an aggregate of rather more than one hundred and five thousand pounds, as will be seen when I come to render a more particular statement. The two days on which I am to make all the transfers are the 30th of this month and 6th of July. The money will all be received simultaneously.

Immediately afterwards I shall take measures for converting the whole into English gold coin, having finally determined that this is the proper mode in which to bring the money to the United States, under the trust I have in hand. It appears to me the right course in itself, independent of any question of exchange, considering the peculiar object and terms of the law of Congress of the 1st of July, 1836, under which I am acting. But by the rate of exchange, as quoted at New York under the last dates, there would be a gain to the United States, by the best calculations I can now make, (though I am aware how exchange is ever liable to fluctuate,) of upwards of a thousand pounds on bringing over the money in gold rather than remitting it in bills. This would help to cover the commissions on shipping the former, effecting insurance upon it, and paying the premium of insurance, as well as charges for freight and those that

have been incurred on selling the stock. All these operations demand mercantile agencies and assistance, to which I am inadequate in my own person, beyond superintending them and seeing that they are rendered justly. I will take care that these expenses are kept within limits as moderate as possible, consistently with having the business regularly done according to mercantile usage in operations of the same nature, so that the fund, in bearing its own unavoidable expenses, may be encroached upon as little as possible.

I have not yet been able to get from the solicitors a statement of the costs of the suit, but will not fail to obtain it before I embark. The final payments under this head, and those I shall be called upon to make for services enumerated above, can scarcely be completed but at the last moments of my stay; hence I may not be able to transmit an account of them to you until I arrive at New York, where also the freight will have to be paid.

In reporting to you the final decision of the court, I omitted to mention some particulars not at first accurately known to me, but necessary to be now stated, viz: £526 11*s.* 6*d.* were decreed to be paid out of the fund to Madame la Batut, as her arrears; £25 as arrears found to be due to John Fitall, the annuitant under the will; and, lastly, £53 7*s.* 6*d.* as due for the use of certain warehouse-rooms in London. The two first items explain themselves, after all I have written. The third has reference to some personal property left by the testator, contained, as I understand, in thirteen boxes or trunks deposited in the warehouse-rooms specified. I have had no opportunity as yet of examining the contents of these boxes, but am informed that they consist chiefly of books unbound, manuscripts, specimens of minerals, some philosophical or chemical instruments, and a few articles of table furniture. The contents of the whole are supposed to be of little intrinsic value, though parts may be otherwise curious. As all now belong to the United States, under the decree of the court, I shall think it proper to have them shipped when the gold is shipped, paying all reasonable charges.

Having more than once spoken of the possibility of fictitious claimants starting up for the Smithsonian bequest, perhaps I may here be allowed to mention what the solicitors have informed me of, viz: that since the decision, two claimants have presented themselves at their office, neither having

any connexion with the other. When the decision was pronounced, the sum recovered was also proclaimed in the London newspapers, which had probably awakened these claimants into life. The solicitors add that one of them desired, somewhat importunately, to know if the case could not be reheard in court? It is needless to remark that he was told he was a little too late in his application.

I will use this opportunity—the last I may perhaps have of writing to you before I embark, from the engagements likely to press upon me in getting the fund ready for shipment and clearing off all necessary expenses—to say a word of our professional advisers. Of the counsel I selected it is unnecessary for me to speak; their established reputation in the highest department of their profession putting them above any testimonial from me. But of the solicitors, as they move in one of its less conspicuous fields, I will barely take the liberty of saying that more attention, diligence, discretion, and integrity could not, I believe, have been exerted by any persons than they have shown throughout the whole suit, from first to last. Could they ever have forgotten what was due to the United States and to themselves, in the desire to eke out a job, nothing is plainer to me, from what has been passing under my observation of the entanglements and delays natural to a heavy suit in the English court of chancery, than they might have found opportunities in abundance of making this suit last for years yet to come.

I have the honor to remain, with great respect, your obedient servant, RICHARD RUSH.

The Hon. JOHN FORSYTH, *Secretary of State.*

Clarke, Fynmore & Fladgate to Richard Rush.

CRAVEN STREET, *July* 5, 1838.

DEAR SIR: At the time of the decease of the late Henry James Hungerford, Esq., which happened on the 5th June, 1835, there was standing in the name of the accountant general of the court of chancery, to the credit of the cause Hungerford *vs.* Drummond, the several sums following, viz:

£62,789 19*s.* 2*d.* bank £3 per cent. annuities;
12,000 0 0 £3 per cent. reduced annuities;
16,100 0 0 bank stock.

And if these several funds had then been sold, they would have realized the sum of £102,991, or thereabouts; but

owing to the proceedings which were necessary to be instituted in the court of chancery, the funds were not transferred into your name until the 5th June, 1838. We are happy to inform you that, notwithstanding this delay, no loss has been occasioned to the United States, as, according to the market prices of the funds on the last-mentioned day, the funds were then worth £103,888, being an excess of £897 beyond the value on the 5th June, 1835, the date of Mr. Hungerford's death.

The whole of the costs of the chancery suit amounted to £723 7*s.* 11*d.*, so that the increase in the value of the funds was sufficient to pay the whole of these costs, and leave a surplus of £173 12*s.* 1*d.*

In making out the above statement, the dividends upon the funds have not been taken into account, but the United States receive them in addition to the original fund.

The United States do not, however, receive the whole amount of such dividends now, as a portion of them was invested in stock, of which £5,015 has been appropriated to answer an annuity of £150 9*s.* to Madame de la Batut, upon whose decease the same will become the property of the United States.

The sums in court, at the last hearing of the cause, were as follows, viz:

£	s.	d.	
£62,739	19*s.*	2*d.*	bank three per cent. annuities;
6,810	19	7	like annuities;
12,000	0	0	reduced annuities;
16,100	0	0	bank stock;
1,765	2	0	cash;
204	6	8	cash;

These sums have been appropriated as follows, viz:

£	s.	d.		
£62,739	19*s.*	2*d.*	bank £3 per cent. annuities;	Trans'd into the name of R'd. Rush, Esq.
1,795	19	7	part of £6,810 19*s.* 7*d.* like annuities;	
£64,535	18	9	bank 3 per cent. annuities;	
12,000	0	0	reduced annuities;	
16,100	0	0	bank stock;	
5,015	0	0	reduced bank annuities, residue of £6,810 19*s.* 7*d.* retained in court to answer annuity to Madame de la Batut;	
406	3	0	paid to plaintiff's solicitors for their costs;	
162	15	5	paid to defendants' solicitors for costs;	
53	7	6	paid to plaintiff's solicitors for warehouse-room, paid by them to Messrs. Deacon;	
526	11	6	paid to Madame de la Batut for arrears of her annuity;	
25	0	0	paid to Mrs. Fitall for arrears of annuity;	
70	7	8	paid to solicitor for defendant the attorney general, for costs;	
725	8	7	balance of cash paid to R. Rush, Esq.	

Herewith we send you a complete copy of our bill of costs, amounting altogether to £490 4*s.* 10*d.*; and we have received the following sums on account of costs, viz:

	£	s.	d.
April 10, 1837, of Richard Rush, Esq	200	4	0
June 11, 1838, of accountant general, for plaintiff's taxed costs	406	3	0
	606	7	0

The latter sum exceeding our bill of costs by £116 2*s.* 2*d.*, leaves us in debt to the United States to that amount, for which we beg leave to enclose our check.

We may here remind you of the information on the subject of costs, which we had before given you verbally, viz: that the court allows against the fund certain ordinary costs; and such costs have been received by us from the accountant general, as before stated. In consequence, however, of the line of conduct adopted by us, under your own directions, to ensure a speedy and successful termination of the suit, some small extra costs have been incurred beyond what are considered ordinary costs.

We have, as you requested, had a lock placed upon the trunk* in our possession, having previously deposited therein the several articles of plate and other matters, which we mentioned to you as being in our possession, and of which articles we enclose you a list.

We are, dear sir, your faithful and obedient servants,

CLARKE, FYNMORE & FLADGATE.

P. S. We also return to you the memoranda which you left with us as to the stock.

Clarke, Fynmore & Fladgate to Richard Rush.

CRAVEN STREET, *July* 11, 1838.

DEAR SIR: We have made the affidavit which you required to verify the bill of costs, and which we now return to you.

We also send you the original order on further directions, under which the several transfers of the funds have been made into your name. This order has the initials of the registrar, as also of the entering clerk, placed at the foot of

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* One of the 14 mentioned in my despatch No. 82.

it; this being the mode adopted in the court of chancery to show the authenticity of their orders.

We also send you a transcript from the books of the accountant general, certified by Mr. Lewis to be a true copy. Mr. Lewis being the clerk whose duty it is to make such transcript. The sum of £70 7*s.* 8*d.*, appearing still to remain on the general credit of the cause, is reserved for the costs of the attorney general, and will be paid over to his solicitor upon his applying for the amount; and the cash standing to the account of Mrs. de la Batut is for the arrears of her annuity, and will be paid to her.

We have seen Mr. Deacon upon the subject of his charge for warehouse-room beyond the 24th ultimo, and have paid him for the same £2; and we have also paid 4*s.* 6*d.* for swearing to our bill of costs, which is the whole of our demand against you.

Mr. Deacon informed us when we saw him that he had in his possession a painting belonging to the estate, and which he promised should be sent over to your house, and which we presume he has done; but should he not have done so, perhaps you will be good enough to apply to him for it.

We will thank you to send us an acknowledgment for the different boxes we have handed you.

We are, dear sir, your very faithful servants,

CLARKE, FYNMORE & FLADGATE.

RICHARD RUSH, Esq.

Transcript of the account in the cause, the President of the United States of America vs. *Drummond; from the books of the Accountant General.*

DR. THE PRESIDENT OF THE UNITED STATES OF AMERICA *vs.* DRUMMOND. CR.

Date		£ s. d.	£ s. d.	Date		£ s. d.	£ s. d.
1838. June 2	To the above cause the account of the annuitant Mary Ann de la Batut, for the bank £3 per cent. annuities: Carried over to that account		5,015 0 0	1837. April 11	By bank £3 per cent. annuities purchased with cash, from the cause Hungerford *vs.* Drummond		6,810 19 7
June 5	To bank £3 per cent. annuities, transferred to Richard Rush, by order of court dated 12th May, 1838, £62,739 19*s.* 2*d.* and £1,795 19*s.* 7*d.*		64,535 18 9	July 11	By cash received, 6 months interest £6,810 19*s.* 7*d.* bank £3 per cent. annuities	102 3 4	
	To reduced annuities transferred to Richard Rush		12,000 0 0	1838. Jan. 11	By cash received, 6 months interest £6,810 19*s.* 7*d.* bank £3 per cent. annuities	102 3 4	
	To bank stock transferred to Richard Rush		16,100 0 0	June 2	By sundry securities brought over for the cause, Hungerford *vs.* Drummond, viz:		
June 7	To the President of the United States of America *vs.* Drummond, the account of the annuitant Mary Ann de la Batut for the cash carried over to that account	526 11 6			Bank £3 per cent. annuities		62,739 19 2
	To cash paid Thos. George Fynmore	53 7 6			Reduced annuities		12.000 0 0
June 12	To cash paid Thomas Clarke	406 3 0			Bank stock		16,100 0 0
	To cash paid Richard Rush	725 3 7			Interest money	1,765 2 0	
	To cash paid Thomas George Fynmore, solicitors' costs	162 15 5					
June 27	To cash paid Mrs. Eliz'h Fitall	25 0 0					

The President of the United States of America vs. Drummond.
The account of the annuitant Mary Ann de la Batut.

Dr.				Cr.
	1838.			
	June 2.	By the President of the United States of America *vs.* Drummond, for the bank £3 per cent. annuities brought over		£5,015
	June 7.	By the said cash for cause, brought over	£526 11 6	
	July 11.	By cash received, six months interest on £5,015, bank £3 per cent. annuities	75 4 6	

I do hereby certify this to be a true copy of the books of the accountant general of the high court of chancery.

BENJ LEWIS,
Clerk of the above accountant general.

CHANCERY LANE, *July*, 1838.

IN CHANCERY.

Between the President of the United States of America, *Plaintiff*,
and
Charles Drummond and Her Majesty's Attorney General, *Defendants*,

The bill of costs of the above-named plaintiff in this suit and incidental thereto.

	£	s.	d.
Sept. 16, 1836.—Mr. Fladgate's attendance on Mr. Rush, on the part of the United States, at the Portland hotel, by appointment, when Mr. Rush requested that two of the firm should at least attend		6	8
Writing to Mr. Rush, fixing appointment for conference with him on Tuesday, at 11 o'clock		5	0
Sept. 20.—Mr. Clarke and Mr. Fladgate's attendance on Mr. Rush, fully explaining to him the course which it appeared to us should be taken on the part of the executors to bring the claim of the United States under consideration, and also the necessity of making Madame de la Batut and the attorney general parties; and reading to him the case laid before Mr. Stuart, and his opinion, of which he wished to have a copy	1	6	8
Copy case and opinion for him	1	0	0
Attending him therewith		6	8
Oct. 3.—Writing to Mr. Rush, in reply to letter from him		5	0
Oct. 7.—Writing to Mr. Rush, to fix appointment for conference on Thursday next		5	0
Oct. 10—Mr. Clarke and Mr. Fladgate's attendance on Mr. Rush, by appointment, to peruse case drawn out by him for counsel to advise the American Government as to course to be pursued to obtain payment of the fund in court, and			

	£	s.	d.
advising as to the counsel to be retained, and received directions to submit case to Mr. Pemberton and Mr. Jacob	1	6	8
Paid coach-hire		1	6
Oct. 11.—Looking through the papers in our possession, to compare them with statement in Mr. Rush's case, and altering the latter in one or two particulars, engaged two hours	1	1	0
Two copies of case for counsel, four sheets each	1	6	8
Two copies of act of American Congress, to accompany same, three sheets each	1	0	0
One copy of order on further directions in the cause of Hungerford *vs.* Drummond, also to accompany case, to show the precise position of the funds in court	1	1	0
Attending at Doctor's Commons to bespeak an office-copy will of Mr. Smithson for Mr. Rush, at his request		6	8
Attending afterwards to examine and procure same		6	8
Paid for same		6	4
Oct. 13.—Writing to Madame de la Batut, as to her demands, and requesting her to appoint a solicitor here to act in the suit about to be instituted by the United States		5	0
Attending Mr. Rush with the fair copies of cases for his perusal and signatures, and we also returned him his authority, and handed him office-copy will		13	4
Attending Mr. Pemberton with case		6	8
Fee to him therewith, and clerk	11	0	6
Fee to him for conference with Mr. Jacob, and clerk	2	9	6
Attending to get same appointed		6	8
Fee to Mr. Jacob with case, and clerk	8	15	0
Attending him therewith and thereon		6	8
Fee to him for conference, and clerk	2	4	6
Attending to inform him of time appointed		6	8
Nov. 2.—Attending consultation, Mr. Rush being present, when the course to be pursued on behalf of the United States was very fully considered, and it was determined that a supplemental bill should be filed in the name of the President of the United States of America, and the attorney general made a defendant, and counsel promised to write their opinion	2	2	0
Nov. 5.—Copy of opinion for Mr. Rush		5	0
Writing to him, with same		5	0
Nov. 14.—Mr. Clarke and Mr. Fladgate's attendance upon Mr. Rush, as to the bill proposed to be filed, and his suggestions as to the possibility of an abatement from the want of a plaintiff, and explaining the course of practice to him	1	6	8
MICHAELMAS TERM, 1836.			
Instructions for bill		13	4
Drawing same, folios 80	1	10	0
Paid fee to Mr. Shadwell to settle and sign, and clerk	2	4	6
Attending him		6	8
Attending Mr. Shadwell, advising hereon and as to Madame de la Batut's claim, and explaining the same fully to him, and conferring on several points arising, and particularly on the nature of the property left by Mr. Smithson		6	8
Fair copy bill for Mr. Pemberton to peruse and finally settle, folios 80		10	0
Fee to him and clerk	2	4	6
Attending him		6	8
Attending Mr. Pemberton, appointing a conference hereon at Westminster		6	8

	£	s.	d.
Paid fee to Mr. Pemberton and clerk thereon	2	9	6
The like to Mr. Shadwell and clerk	1	3	6
Attending him		6	8
Writing to Mr. Rush informing him thereon		5	0
Attending consultation, Mr. Rush being present, at Westminster, when it was determined not to make Madame de la Batut a party to suit	1	6	8
Paid for room		5	0
Attending Mr. Shadwell afterwards to procure draught bill as settled		6	8
Engrossing bill		15	0
Paid for parchment		10	0
Paid filing bill		7	4
Attending, bespeaking, and afterwards for office-copy bill to serve on the attorney general		6	8
Paid for same	1	5	0
Attending the attorney general therewith		6	8
Drawing præcipe for subpœna against defendant, Charles Drummond, and attending to bespeak, and for same		6	8
Paid for subpœna, and making copy to serve		5	10
Fee on obtaining, and undertaking to appear for defendant, Drummond		6	8
Nov. 20.—Attending Mr. Wray to press for answer of attorney general, and explaining to him the reason of our urging the same, when he promised to prepare answer immediately; Mr. Rush's invariable direction to us being to use all practicable speed touching every point of the proceedings		6	8
The defendant, Charles Drummond, wishing his answer to be taken without oath or signature, the solicitor's fee thereon		6	8
Drawing and engrossing petition for same		4	0
Attending the defendant's clerk in court, and obtaining his consent thereto		6	8
Attending to present the same		6	8
Paid answering, and for order, and entering		7	0
Copy and service of order		2	0
Writing to Mr. Rush to inform him when it was likely the cause would be heard		5	0
Paid for office-copy answer of defendant, Charles Drummond, folios 16		18	4
Close copy		5	4
Attending Messrs. Derby and Raven to inform them answer of defendant, Drummond, was filed, and to request them to lose no time in putting in answer of attorney general		6	8
January, 1837.—Several attendances upon Messrs. Derby and Raven and Mr. Wray to urge the filing of the attorney general's answer, which was at length done		18	4
Paid for office-copy answer of attorney general, folios 4		8	4
Close copy		1	4
Term fee, clerk in court and solicitor		16	8
Letters and messengers		5	0
Abbreviating bill and answer, folios 50 in all		16	8
Making two briefs of pleadings, 5 sheets each	1	18	4
Paid for certificate of pleadings		8	4
Attending for same		6	8
Paid for setting down cause and attending	1	5	8
Drawing præcipe for subpœna to hear judgment, and attending for same		6	8
Paid for same and copy		5	10
Service on the clerks in court		5	0

HILARY TERM, 1837.

	£	s.	d.
Affidavit of service, &c		3	4
Oath		1	6
Paid filing affidavit		6	2
Copy title and prayer of bill for judge		2	6
Attending to bespeak, and afterwards for certificate of funds in court in original suit		6	8
Drawing observations to annex to plaintiff's briefs, 4 brief sheets	1	6	8
Two briefs copies thereof	1	6	8
Two copies order on further directions in original suit, to accompany briefs, 7 sheets each	2	6	8
Attending Mr. Rush on his handing us the act of Congress authorizing him to act, and on his instructing us to let a copy of the same accompany the briefs		6	8
Two brief copies same, 3 sheets each	1	0	0
Drawing proposed minutes of orders		5	0
Fee to Mr. Shadwell, to settle same	1	3	6
Attending him		6	8
Two fair copies minutes to annex to briefs		5	0
Two do. for defendants		5	0
Attending them therewith and thereon		6	8
Attending the defendant's solicitors; obtaining their consent to have cause heard short		13	4
Attending Mr. Shadwell, and obtaining his certificate thereof		6	8
Attending registrar therewith, and getting cause marked short, and put in the next short-cause paper		6	8
Fee to Mr. Pemberton and clerk, with brief	5	10	0
Attending him		6	8
The like to Mr. Shadwell and clerk	3	5	6
Fee to Mr. Pemberton and clerk, on conference as to the practicability of having cause short	1	6	0
Attending him		13	4
Attending appointing consultation		6	8
Fee to Mr. Pemberton and clerk	2	9	6
Attending him		6	8
Like to Mr. Shadwell and clerk	1	3	6
Attending him		6	8
Writing Mr. Rush, informing him thereof		5	0
Attending consultation at Westminster, Mr. Clarke and Mr. Fladgate	1	6	8
Paid for room and cab-hire		7	6
Attending, ascertaining if the several articles mentioned in the master's report in the original cause were safe, and comparing same with the schedule		13	4
Two brief copies schedules to annex to brief, at Mr. Rush's request		10	0
Attending bespeaking transcript of the account in original suit		6	8
Paid for same	1	4	0
Writing Mr. Rush, informing him when cause would be in the paper		5	0
Mr. Clarke and Mr. Fladgate attending court, cause heard and decreed according to minutes agreed on, with liberty for plaintiff to amend his bill by adding the act of Congress	2	2	0
Paid court fees		13	0
Attending Mr. Rush afterwards, and explaining proceedings to him		13	4

	£	s.	d.
Drawing petition to amend bill		4	0
Attending to present same		6	8
Paid answering, and for order and entering		7	0
Two copies and services of order		6	0
Instructions to amend		13	4
Drawing amendments, folios 6		6	8
Fee to Mr. Shadwell and clerk, to settle and sign	1	3	6
Attending him		6	8
Engrossing amended bill, folios 36		18	0
Paid for parchment		10	0
Paid filing		7	4
Abbreviating amended bill, folios 36		12	0
Two brief copies of amendments for counsel		10	0
Paid for office-copy amended bill, to serve on the attorney general, folios 36	1	10	0
Attending Messrs. Derby & Co., therewith and thereon		6	8
Fee to Mr. Pemberton and clerk, with amended bill	2	4	6
Attending him		6	8
The like to Mr. Shadwell and clerk	1	3	6
Attending him		6	8
Drawing præcipe for subpœna, and attending to bespeak same		6	8
Paid for same, and making copy to serve		5	10
Service on clerk in court		5	0
Attending registrar, and getting cause put in the paper		6	8
Writing to solicitors for the defendants, informing them thereof		10	0
Attending court order made	1	6	8
Paid court fees		13	0
Instructions for petition to lay out £6,172 9*s.*, cash accumulated in Hungerford *vs.* Drummond		6	8
Drawing same, folios 40	2	0	0
Fee to Mr. Shadwell and clerk, to peruse and settle same	2	4	6
Attending him		6	8
Engrossing petition to present, as settled, folios 80		10	0
Copy for the master of the rolls		10	0
Attending to present same		6	8
Paid answering		11	0
Two copies petition to serve	1	0	0
Attending serving same		4	0
Two brief copies for counsel, 3 brief-sheets each	1	0	0
Drawing observations to annex to brief petition, 2 sheets		13	4
Two fair copies		13	4
Drawing and engrossing affidavit of service of petition		4	10
Paid oath		1	2
Paid filing and for office copy		6	6
Fee to Mr. Shadwell and clerk therewith	2	4	6
Attending him		6	8
Attending accountant general for, and obtaining certificate		6	8
Attending court petition heard, and ordered as prayed		13	4
Paid court fees		13	0
Writing Mr. Rush, at his request, a report of the proceedings in court		5	0
Paid for minutes of order		2	0
Close copy		1	0
Attending settling		6	0
Paid for order	2	0	0
Attending passing		6	8
Paid entering		4	0

	£	s.	d.
Drawing request to accountant general		2	6
Attending bespeaking investment		6	8
Paid		4	0
Paid for copy of minutes of decree		3	0
Close copy		1	6
Attending settling		13	4
Copy of minutes for Mr. Rush, and writing him therewith and thereon		6	6
Paid for decree	4	10	0
Attending passing		13	4
Paid entering		4	0
Attending		6	8
Attending at the public office, to obtain the name of the master in the original cause		6	8
Paid master's clerk		1	0
Making copy title, and ordering part of decree for the master		5	0
Warrant to consider decree, two copies, and services		6	0
Writing Mr. Rush, informing him thereof, in order to ensure his attendance		5	0
Attending warrant when master ordered the usual advertisement to be issued, and a state of facts, &c., to be brought in as to Madame Batut's claim, and stated that he could not direct inquiries to be made at Pisa, as to the death of Mr. Hungerford, but would allow the costs thereon if instituted		13	4
Attending at Stepney church to search for burial of John Fitall, but found he was not buried there	1	1	0
Paid search and coach hire		2	6
Attending Mrs. Fitall, but she declined giving any information, as the last quarterly payment had not been made		6	8
Attending at various places in the neighborhood to inquire where he was buried, when some persons said in the country, others at Fletcher's chapel, and others at Saint George's in the East, and ultimately discovered a relative, who informed us that he was buried at Shadwell		13	4
Attending at Shadwell church, clergyman and clerk both out, and could not search		13	4
Paid coach hire		5	0
Attending bespeaking advertisement as to Mr. Hungerford's death		6	8
Paid master's clerk	1	1	0
Attending bespeaking advertisement as to Madame de la Batut's claim		6	8
Paid master's clerk	1	1	0
Attending at Shadwell, searching for and obtaining certificate of Mr. Fitall's death	1	1	0
Paid for certificate and omnibus hire		5	0
Instructions for affidavit verifying extract		6	8
Drawing same, folios 8		8	0
Engrossing same		2	8
Attending swearing		6	8
Paid oath and exhibit		4	0
Drawing and fair copy state of facts as to Fitall's death, folios 12		8	0
Warrant on leaving same, copy, and service		6	0
Attending Mr. Cullington, Mrs. Fitall's solicitor, as to identity of John Fitall, when he promised to see his client thereon, and let us know the result		6	8
Attending at the Gazette office, to get advertisement as to Mr. Hungerford's death inserted		6	8

	£	s.	d.
Paid, and for Gazette	1	8	2
Attending at the Gazette office, to get advertisement as to Mrs. Batut's claim inserted		6	8
Paid for insertion	1	1	0
Copy of advertisement as to Hungerford's death, for Times newspaper		2	6
Attending inserting same		6	8
Paid insertion		16	5
The like for Morning Herald		9	2
Paid insertion, &c.		16	5
The like for Standard		9	2
Paid insertion, &c.		16	5
Copy of advertisement as to Mrs. Batut's claim, for the Times newspaper		2	6
Attending inserting same		6	8
Paid insertion		16	0
The like for Morning Herald		9	2
Paid insertion, &c.		16	0
The like for Standard		9	2
Paid for insertion, &c.		16	0
Several attendances in the city, as to the best mode of inserting the advertisement in foreign papers, and as to getting same translated, &c.	1	1	0
Making copies of advertisements, to get translated into French and Italian		5	0
Attending translation therewith, and afterwards for same		13	4
Paid them	2	6	6
Making twelve copies for insertion in foreign papers	1	10	0
Attending Mr. Deacon, the newspaper agent, therewith, and instructing him thereon		13	4
Paid for foreign advertisements	12	2	11
Attending paying same, and for receipt		6	8
The proprietors of the Times newspaper having made an error in the name of Mr. Hungerford: attending at their office and rectifying same, and giving instruction for another insertion		6	8
Attending Mr. Deacon to ascertain if he had corrrespondent at Leghorn to whom we could forward instructions to obtain the information of Mr. Hungerford's death, and obtaining the direction of same		6	8
Writing very long and special letter to Madame Batut as to her claim on the estate, and requiring the necessary proof, and requesting information as to her son's death, &c.		7	6
Copy same, to keep as evidence		5	0
Writing Mr. Rush, with Mrs. Batut's answer		5	0
Attending at Gazette office to get advertisements as to Mr. Hungerford's death inserted second time		6	8
Paid for Gazette and insertion	1	8	2
Copy advertisement for Times newspaper		2	6
Attending inserting same		6	8
Paid insertion, &c.		16	5
The like for Morning Herald		9	2
Paid insertion, &c.		16	5
The like for Standard		9	2
Paid insertion, &c.		16	5
Attending at Gazette office to get advertisement as to claim of Madame de la Batut inserted a second time		6	8
Paid for insertion	1	1	0
Copy advertisement for Times newspaper		2	6

	£	s.	d.
Attending inserting same		6	8
Paid insertion		16	0
The like for Morning Herald		9	2
Paid for insertion, &c.		16	0
The like for Standard		9	2
Paid for insertion, &c.		16	0
Term fee	1	1	8

EASTER TERM, 1837.

	£	s.	d.
Attending Mr. Cullington to know if he could identify Mr. Fitall, which he declined doing unless the arrears of the annuity were paid		6	8
Attending bespeaking peremptory advertisement as to Hungerford's death		6	8
Paid master's clerk	1	1	0
The like charges as to Madame Batut's claim	1	7	8
Attending Mr. Rush with Madame de la Batut's letter, and conferring thereon, when he agreed with us in thinking that she had abandoned all claim under the estate		6	8
Attending at Gazette office to get peremptory advertisement inserted as to Mr. Hungerford's death		6	8
Paid for Gazette and insertion	1	8	2
Copy advertisement for Times newspaper		2	6
Attending inserting the same		6	8
Paid insertion, &c		16	5
The like for Morning Herald		9	2
Paid insertion, &c		16	5
The like for Standard		9	2
Paid insertion, &c		16	5
Attending at Gazette office to get peremptory advertisement as to claim of Madame de la Batut inserted		6	8
Paid insertion	1	1	0
Copy of advertisement for Times newspaper		2	6
Attending inserting same		6	8
Paid insertion		16	0
The like for Morning Herald		9	2
Paid insertion		16	0
The like for Standard		9	2
Paid insertion		16	0
Attending at Gazette office to get peremptory advertisement inserted a second time as to death of Mr. Hungerford		6	8
Paid for Gazette and insertion	1	8	2
Copy advertisement for Times		2	6
Attending inserting same		6	8
Paid insertion, &c		16	5
The like for Morning Herald		9	2
Paid insertion, &c		16	5
The like for Standard		9	2
Paid insertion, &c		16	5
Attending at the Gazette office to insert the peremptory advertisement a second time as to claim of Madame de la Batut		6	8
Paid for insertion and Gazette	1	1	0
Copy advertisement for Times		2	6
Paid insertion		16	0
The like for Morning Herald		9	2
Paid insertion		16	0
The like for Standard		9	2
Paid insertion		16	0
Attending at Mr. Deacon's to ascertain if any of the foreign			

	£	s.	d.
papers had arrived, when he handed us three of the French papers which he had only received that morning		6	8
Perusing and examining same, and ascertaining they were full of errors; attending Mr. Deacon again, and correcting same, and requesting him to get same correctly inserted		13	4
Writing Madame de la Batut, in answer to her last letter, and requesting any information she could give as to the death of Mr. Hungerford		5	0
Making two copies of peremptory advertisement to get translated into French and Italian		5	0
Attending translators therewith, and afterwards for same		13	4
Paid them	2	6	8
Making 12 copies for insertion in the foreign papers	1	10	0
Attending Mr. Deacon therewith, and instructing him thereon		13	4
Paid for foreign advertisements	12	3	0
Writing long letter to Mrs. Batut, in answer		5	0
Attending paying for foreign advertisements and for receipts.		6	8
Attending Mr. Batut in very long conference, when he urged the claim of Madame de la Batut; but we informed him we had no discretion to apply the funds, except under the direction of the court, and told him to carry in a claim before the master; when he stated "he would submit certain documents of evidence material to the plaintiff's case, for an inspection at half-past 10 o'clock next day"		13	4
Paid for oaths of Messrs. Clarke, Fynmore, and Fladgate to three copies of bill delivered to Mr. Rush		13	6
April 29.—Attending Mr. Batut for upwards of two hours, when he appeared desirous of making terms as to the information he could give relative to the death of Mr. Hungerford without children, which he assured us we could not obtain elsewhere; and informing him we could communicate with plaintiff thereon, and requesting him to put any legal claims he might have into the hands of his solicitors, and we promised to represent to Mr. Rush his statement	1	1	0
Writing to Mr. Rush on the above subject, and requesting appointment to meet him		5	0
May 1.—Attending Mr. Gardner in long conference as to the claims of Madame Batut, which we thought were much larger than would be allowed her on proof before the master; and we postponed a final determination until we had again looked through the papers		13	4
May 2.—Attending at Mr. Rush's in long conference as to the application of Mr. Batut, when it was decided that we could not offer any pledge that attention would be paid to his application, but that we must procure from him such information as he could give, and, if it appeared that he had any just claim, we would offer no technical or unnecessary delay to it		13	4
May 4.—Attending Mr. Gardner, conferring very fully again hereon; when he stated that Mr. Smithson possessed himself of the property of the late Mr. Dickinson, and never rendered an account; and that he (Mr. Gardner) considered that a bill should now be filed against the defendant, (Drummond,) as executor of the testator in this cause, for such account; and that it was expected a larger sum would be found to have been received; but that at all events a claim would be established to a life interest in a sum equal to that stated in the will to be the nephew's property, viz: £260 per annum, which, in point of fact, had been the amount of allowances made to Mrs. Batut by the testator, as she could			

	£	s.	d.
prove; and we urged that filing a bill would be useless, as it was impossible to furnish an account, but would search through all the documents in the plaintiff's custody or power, and give them every facility to settle the matter in the master's office		13	4
May 5.—Attending Mons. Batut for upwards of two hours, when we told him the only chance for his obtaining any remuneration from the plaintiff was to furnish him with every information in his power relative to the death of Mr. Hungerford, which he seemed very unwilling to do, without a pledge that something should be done; and we assured him that no party here could give such pledge; and that if he was really disposed to sell his information, he must put his terms into writing; when he stated that he would consider the course to adopt; and advising him to give us the information, and informing him, if he did not, we should resist Madame Batut's claim in every possible way	1	1	0
May 6.—Attending at Mr. Deacon's; going through and perusing the documents deposited in the boxes, &c., to answer Mr. Gardner's inquiry, but could find nothing; engaged several hours	1	1	0
May 11.—Attending Mr. Gardner as to Mr. Batut's claim, when he required to be furnished with an account of the payments made by Mr. Smithson in his lifetime to Madame de la Batut, which we promised to procure, as evidence of the fund she might claim under the will of Dickinson		13	4
Attending Mr. Deacon, making inquiry as to the foreign papers, when he handed us several French ones, and promised to write for the Italian		6	8
May 18.—Attending Mr. Batut on his furnishing us with the required information, when it appeared that Mr. Hungerford was buried at a Dominican convent, at Pisa, under the name of Baron de la Batut, on the 5th June, 1835, and that a stone was raised to his memory; but that his servant, Leo Ferna, could not be found, and he urged his claim upon the consideration of the plaintiff; when we informed him that we could not entertain such claim, but referred him at once to Mr. Rush, or to the American Government		13	4
Attending Mr. Rush afterwards, conferring on Mr. Batut's information and application, when it was determined that a meeting should take place in our presence between Mr. Rush and Mr. Batut		13	4
Attending Mr. Gardner to confer as to appointment with Monsieur Batut, but he was out of town; writing Mr. Rush thereon		5	0
Term fee, &c.	1	1	8

TRINITY TERM, 1837.

	£	s.	d.
Attending at Messrs. Drummond, going through their books to ascertain whether any drafts had been drawn upon them by the testator, which would tally with the claim brought forward by Mrs. Batut, but found it was the testator's habit to draw only for large sums, and his account proved nothing		13	4
May 30.—Paid for copy charge of Mrs. Batut's, folios 36		4	6
Attending warrant to proceed thereon, when the master directed interrogatories to be exhibited for the examination of Mr. Drummond		6	0
June 1.—Paid for copy charge of Mrs. Fitall, folios 12		1	6

	£	s.	d.
June 2.—Attending Mr. Batut further as to his alleged claim, and the information he still withheld and promised to afford us		6	8
June 5.—Attending him again on the above subject, and asking him what he required; when he promised to consider our request, and see us thereon next day		6	8
Attending Messrs. Pemberton, advising them what had taken place, and requesting them to attend the next day with Mr. Batut		6	8
June 6.—Attending warrant on Mrs. Fitall's charge when the master directed an affidavit in support verifying when he died		6	8
June 6.—Attending Mr. Batut, and afterwards Mr. Rush, when Mr. Batut stated that he would make the requisite affidavit, and taking full instructions for same; but on our application for an appointment to swear same, he changed his mind, and stated that he would not make the affidavit unless he had a pledge from Mr. Rush that he would support his claim in America, which he did not feel justified in giving, and therefore the treaty was broken off; engaged upwards of two hours	1	1	0
Instructions for affidavit		6	8
Drawing same, folios 14		14	0
Attending Messrs. Pemberton thereon, and urging them to get affidavit made, and to bring in same evidence in support of their state of facts		6	8
June 9.—Writing Mr. Rush very fully thereon		5	0
June 10.—Attending Mr. Rush in very long conference on Mr. Batut's conduct, and informing him of the nature of the evidence sent us from Italy, which we thought was quite sufficient		13	4
Attending Mr. Cullington, pressing him to leave in the master's office his affidavit, required in support of charge as to Fitall's annuity, when he promised to see his client thereon and to proceed with the charge forthwith		6	8
Paid postage of foreign letter from Mr. Borri		4	1
June 16.—Attending Mr. Gardner to press him to bring in the particulars of proof of Mrs. Batut's claim, and conferring on claim		6	8
June 19.—Paid for copy affidavit in support of charge of Mrs. Fitall, folios 8		1	0
June 20.—Attending warrant to proceed on charge of Mrs. Fitall's same allowed		6	8
Paid for warrant for Mrs. Batut to bring in evidence in support of charge, otherwise it would be disallowed, copy and service, (no clerk in court)		5	6
Writing Mr. Rush as to Fitall's annuity		5	0
June 23.—Writing Mr. Rush, at defendant Drummond's request, touching an application made to him by Mr. Batut, and requiring his instructions thereon		5	0
Having received from Leghorn an official certificate of the death of Mr. Hungerford, authenticated by Mr. Falconer, (the consul;) attending at the Foreign Office, to ascertain what gentleman connected with the office could verify the signature, and found Mr. Hertslet was known to him, but he was from town		6	8
June 28.—Attending Messrs. Pemberton & Co., on their stating they were preparing instructions for the interrogatories, but, previous to completing them, they were anxious to			

	£	s.	d.
examine some papers belonging to the testator, in a black trunk in our possession—going through same with him—but they afforded him no information; engaged two hours		13	4
June 26.—Attending Mr. Gardner this morning, upwards of two hours, on the subject of Mrs. Batut's claim, endeavoring to come to some arrangement, and to ascertain if her claim was really founded in justice		13	4
June 29.—The master having required evidence of the insertion of the foreign advertisements, and as to their correctness; instructions for affidavits		6	8
Drawing same, and fair copies; folios 14		14	0
Fair copy for perusal		4	8
Attending Mr. Deacon and Mr. Whittaker, severally, therewith; and finally settling same		13	4
Engrossing same		4	8
Attending Mr. Deacon to the public office, to get sworn to the same; Mr. Whitaker could not attend		6	8
Paid two oaths		3	0
July 1.—Attending Mr. Whittaker to get sworn		6	8
Paid oath		1	6
Paid Mr. Whittaker and Mr. Deacon for loss of time and trouble	2	2	0
Attending paying same, and keeping receipt		6	8
Warrant on leaving two copies, and services		6	0
Attending Mr. Gardner, pressing him to support a claim of Mrs. Batut's; informing him, if not done forthwith, we should exclude her altogether from the report; when he informed us, if we did, he should immediately file a bill		6	8
Attending warrant, as to Mrs. Batut's evidence in support of her charge, when Mr. Gardner undertook to have interrogatories on the following day		6	8
Paid for copy of interrogatories—for twelve close copies		1	6
Carriage of parcel from Pisa		4	0
Enclosing certificate		7	8
Having received the above certificate of the death of Mr. Hungerford, attending Mr. Whittaker to get same translated		6	8
Paid his charges	2	14	0
Attending warrant to settle interrogatories as to Mrs. Batut's claim, when the master allowed same, subject to any objection the defendant might make to the exhibits which were not left in the office		16	8
Warrants for Mrs. Batut, to bring in exhibits copy and service—not in cause		5	6
July 17.—Attending counsel, in long conference, as to these interrogatories and exhibits		13	4
Paid his fee, and clerk	1	6	0
Attending		6	8
Attending to Mr. Rush, in very long conference on the state of the suit, and advising with him as to incurring any extra expense in the inquiries after Mr. Hungerford's death		13	4
Writing Messrs. Pemberton on the proposed exhibits, and copy		5	0
Writing to Mr. Rush very fully, in answer to a letter received from him as to probable time suit would take		7	6
Drawing request to accountant general to invest dividends		2	6
Attending him thereon		6	8
Paid his fee		4	0
Attending Mr. Rush, informing him of the impossibility of			

	£	s.	d.
obtaining report before office closed, and explaining the necessity of giving Madame Batut the means of establishing her claim, rather than file a bill		6	8
Attending warrant to proceed on Mrs. Batut's claim, when exhibits were left in support thereof		6	8
Paid for copy examined, folios 28		3	6
Close copy		6	4
July 25.—Attending warrant and interrogatories when the same were finally settled, the solicitors for Madame de la Batut having brought in exhibits		6	8
Drawing and fair copy state of facts as to the death of Henry Hungerford, folios 48	1	12	0
Warrant on leaving same, two copies and services		6	0
Instructions for affidavits in support		6	8
Drawing same, and fair copy, folios 4		4	0
Attending Mr. Hertslet several times to endeavor to get him to appoint a time to swear, but could not		6	8
Attending at the Master's office to examine exhibits with the copies, and engaged comparing same, but found one missing		6	8
Attending Mr. Rush in a very long conference on the subject of this suit		18	4
August 14.—Attending at the Foreign Office and conferring on the affidavit with Mr. Hertslet, when he requested us to leave the report, certificates, and affidavits with him, and he would appoint a time to swear affidavit		13	4
Engrossing affidavit, folios 4		2	0
Attending Mr. Hertslet to be sworn		6	8
Paid oath and exhibit		4	0
Paid his charges	1	1	0
Warrant on leaving copy and service		6	0
Postage of letter to Mr. Tannin, in answer to his letter relative to death of Mr. Hungerford		1	8
Writing very long letter to Mr. Rush, informing him of what had taken place		5	0
Instructions for further affidavits in support		6	8
Drawing same, and fair copy, folios 20	1	0	0
Engrossing same		6	8
Writing Mr. Rush, stating the result of our inquiries touching the property formerly belonging to Mr. Dickinson, under whose will Mrs. Batut claimed		5	0
Sept. 2.—Attending Mr. Rush, conferring and explaining the position of Mrs. Batut's claim, and the effect of the information received from France, from which it would appear that such claim was fraudulent		13	4
Instructions for affidavit of Mr. Whittaker as to verification of translated copy of report from Pisa		6	8
Drawing same, and fair copy, folios 4		4	0
Copy report to annex as exhibit		10	0
Attending Mr. Whittaker, conferring thereon, and getting him to settle same		6	8
Engrossing same, folios 4		1	4
Attending him to be sworn		6	8
Paid oaths and exhibits		4	0
Warrant and leaving copy and service		8	6
Paid him for loss of time	1	1	0
Attending swearing further affidavits in support of plaintiff's facts		6	8
Paid oath, &c.		4	0
Term fee and letters	1	1	8

MICHAELMAS TERM, 1837.

	£	s.	d.
Warrant on leaving same, copy and service		6	0
Warrant to proceed on Mrs. Batut's charge, copy and service		8	6
Attending warrant, and proceeding thereon		6	8
Instructions for affidavit for Mr. Curdy, verifying translation of notarial act made at Paris after the decease of Mr. Hungerford		6	8
Drawing same, and fair copy, folios 4		4	0
Copy translation, to annex as an exhibit			8
Engrossing affidavit, folios 4		1	4
Attending to be sworn		6	8
Paid oath, &c.		4	0
Warrant on leaving two copies and service		6	0
Warrant on leaving further evidence		6	0
Attending Mr. Rush in very long conference on the progress of, and advising on, this suit, and taking his instructions thereon		13	4
Paid for transcript of account		4	0
Attending bespeaking, and afterwards for same		6	8
Drawing request to accountant general to invest dividends		2	6
Attending bespeaking investment of dividends		6	8
Paid fee		4	0
Instructions for affidavit of Mr. Hertslet, verifying notarial act as to death of Mr. Hungerford		6	8
Drawing same, and fair copy, folios 4		4	0
Attending him to peruse and settle same		6	8
Engrossing same		1	4
Attending him to be sworn		6	8
Paid oath and exhibit		4	0
Paid his charge	1	1	0
Warrant on leaving two copies and services		6	0
Warrant to proceed on state of facts, and charge of plaintiff, as to death of Mr. Hungerford, copy and service		6	0
Attending warrant, same proceeded with and allowed, and warrant ordered to be issued on Mrs. Batut's charge		6	8
Warrant to proceed on state of facts, and charge of Mrs. Batut's, copy and service		8	6
Attending bespeaking transcript in original cause, and afterwards for same		6	8
Paid		4	0
Sep. 29.—Attending Mr. Rush, reporting and advising on the progress of the proceedings in the master's office		6	8
Dec. 4.—Attending warrant and proceeding on facts and charge of Mrs. Batut, when the master directed another warrant to issue		6	8
Warrant to proceed, three copies and service		8	6
Attending warrant when the master said he thought she had established a claim to half of the income of the French fund, but would give us leave to inquire and prove, if we could, that it had been already satisfied and he directed us to obtain an order to state special circumstances in regard to her claim, the words of the decree not being sufficient		6	8
Writing Mr. Rush very fully thereon		5	0
Attending Mr. Rush in a very long conference, and advising with him on the expediency of opposing Mrs. Batut's claim, as it would cause much delay, and stop the order on further directions; and explaining same fully to him, when he promised to consider the same, and see us again thereon		13	4

	£	s.	d
Dec. 14.—Attending Mr. Rush in very long conference as to Mrs. Batut, on his having duly considered the subject; when he instructed us to write to Paris to obtain such evidence as we could, and lay same before counsel, to advise on the expediency of opposing Mrs. Batut's claim, we being of opinion that evidence might be obtained that would repel her claim		18	4
Dec. 19.—Attending at the Foreign Office to make inquiry touching the swearing of affidavits abroad before a proper tribunal, and found that they could be sworn before the British consul		6	8
Instructions for affidavit to be sworn by the stock broker who transferred same		6	8
Drawing same and fair copy, folios 6, and fair copy to send to Paris		6	0
Instructions for affidavit of a notary as to some documents in his possession relative to the transfer		6	8
Drawing same and fair copy, folios 8		8	0
Fair copy to send to Paris		2	8
Writing Mr. Truftant therewith and fully thereon, and urging him to get affidavits sworn if possible in their present shape, but, if not, to advise with some English solicitor at Paris		7	6
Dec. 29.—Postage letter from Mr. Truftant requiring further instruction		1	2
Writing to him very fully thereon		7	6
Instructions to amend decree		13	4
Drawing notice of motion to amend decree		2	0
Copy and service		2	0
Drawing and engrossing affidavit of service		6	0
Attending swearing		6	8
Paid oath		1	6
Attending filing and for office copy		6	8
Paid		6	0
Drawing brief for counsel to move		10	0
Paid him and clerk	1	8	6
Attending him		6	8
Jan. 8, 1838 —Attending Mr. Rush in very long conference on the progress of the cause, &c.		18	4
Term fee, &c.	1	1	8

HILARY TERM, 1838.

	£	s.	d
Jan. 11.—Attending court, motion made and ordered accordingly		18	4
Postage of letter to Mr. Truftant requesting to be furnished with a copy of Mrs. Batut's claim		1	2
Copy same, to send, folios 36		12	0
Writing him very fully therewith and thereon		7	6
Paid for copy minutes		2	0
Close copy		1	0
Attending settling		6	8
Paid for order	1	0	0
Attending register to draw up and pass order		6	8
Paid entering		1	0
Attending to enter same		6	8
Jan. 23.—Postage of a letter from Mr. Truftant, containing a certificate, signed by the chargé d'affaires, which, from his letter, appeared the best evidence he could procure for us		2	4
Writing him that same was not sufficient, and requesting to know, per return, whether or not the stock broker could			

	£	s.	d.
make an affidavit as to fact of instructing him thereon, and, if he could not procure such affidavit, to make one himself.		7	6
Jan. 30.—Postage letter from Mr. Truftant		5	0
Jan. 31.—Attending Mr. Rush, fully conferring as to the inquiries touching Mrs. Batut's claim, when he stated he would consider same, and decide whether to proceed or not		13	4
Feb. 5.—Attending Mr. Rush on his wishing to know the result of the proceedings if the claim of Mrs. Batut were resisted, and to what extent the proceedings might be carried by her, and explaining same very fully to him, when he wished us to write a letter to him thereon		13	4
Writing letter and copy		5	0
Feb. 6.—Attending counsel in long conference on the evidence obtained from Paris, and as to the expediency of bringing same into the master's office		13	4
Fee to him and clerk thereon	1	6	0
Attending him		6	8
Copy of Mr. Truftant's affidavit, to keep		2	8
Warrant on leaving three copies, and services		8	6
Warrant to proceed on claim, three copies, and services		8	6
Feb. 19.—Attending warrant and proceeding on state of facts and affidavits in opposition to Mrs. Batut's claim, when claim allowed		6	8
Warrant to show cause why warrant on preparing draught report should not issue, three copies, and services		8	6
Feb. 21.—Attending warrant, no cause shown		6	8
Warrant, on preparing three copies, and services		8	6
Copy will of testator for the master, folios 8		2	8
Paid for copy draught report, folios 48		6	0
Close copy		16	0
March 1.—Warrant to settle, three copies, and services		8	6
Attending same		6	8
Attending Messrs. Pemberton, conferring very fully on the draught report and the several inaccuracies therein, and calculating amount of arrears, &c., due		6	8
Attending warrant on charge of Messrs. Clarke & Co., when same allowed		6	8
Paid for copy same, folios 6			9
Close copy		2	0
Paid for copy affidavit in support, folios 4			6
Close copy		1	4
Another warrant to settle report, three copies, and services		8	6
Attending warrant and settling report; but the master directed many additions to be made thereto, and an affidavit to be obtained from a broker in the city as to the amount of exchange		6	8
Attending Mr. Rush in very long conference thereon before, at, and after the above warrant, when he directed us to obtain the order on further directions as soon as possible		13	4
March 9.—Attending Mr. Rush again, conferring fully herein		13	4
March 12.—Attending Messrs. Pemberton as to the cause of delay in obtaining the necessary affidavit, when they promised to bring same in in a few days		6	8
Paid for copy of affidavit of Mr. Boyd, folios 6			9
Close copy		2	0
March 17.—Attending warrant and proceeding on state of facts		6	8
March 20.—Paid for fresh copy report, folios 44		5	6
Close copy		14	8

	£	s.	d.
Warrant to sign, three copies, and services		8	6
Attending same		6	8
Paid for drawing, signing, and transcribing report	3	9	6
Paid filing and for office copy	1	16	10
Attending to file		6	8
Drawing and engrossing petition to confirm report absolute in the first instance		4	0
Attending getting consents		6	8
Attending to present		6	8
Paid answer and for order		7	0
Two copies and services on clerks in court		4	0
Draught on Pemberton		2	6
Drawing and engrossing petition, to set down cause on further directions and costs		4	0
Attending to present		6	8
Paid answer and setting down cause, &c		19	0
Two copies, and services, order on clerks in court		4	0
Draught on Messrs. Pemberton		2	6
Attending defendant's solicitor for consent to hear cause immediately		13	4
Making copy decree for the master of the rolls, four sides		2	8
Do. report, folios 48		16	0
Attending to leave same		6	8
Attending Mr. Rush in very long conference, explaining that the report had been confirmed, and giving him extracts of all the dates and proceedings, &c., and advising him as to the future proceedings, &c		18	4
Drawing and engrossing copy affidavit of service of order to set cause down		8	4
Attending to be sworn		6	8
Paid oath		1	0
Attending filing and afterwards for same		6	8
Paid filing and for office copy		3	4
Attending Mr. Rush, informing him cause was set down and would be heard in Easter term, and conferring thereon		18	4
Instructions for petition		6	8
Drawing and fair copy petition to be heard with the cause, on further directions, folios 88	4	8	0
Attending Mr. Rush, conferring thereon, when he wished counsel to be advised with thereon		13	4
Attending conferring with Mr. Shadwell thereon, when he advised cause to be set down and petition to be presented afterwards		18	4
Paid his fee and clerk	1	6	0
Attending him		6	8
Drawing proposed minutes, folios 12		12	0
Fair copy for Mr. Shadwell		4	0
Attending him in conference and settling same		13	4
Paid his fee and clerk	1	6	0
Attending him		6	8
Two copies minutes for defendants		6	8
Attending them therewith and thereon, and finally agreeing to same		13	4
Drawing brief on further directions, seven brief-sheets	2	6	8
Two fair copies for counsel	2	6	8
Drawing observations for plaintiff, 2 brief sheets		18	4
Two fair copies for counsel		18	4

Attending Messrs. Pemberton on their requesting some infor-

	£	s.	d.
mation in order to draw their petition, and giving them same, engaged some time, term fee, &c	1	1	8

EASTER TERM, 1838.

	£	s.	d.
Attending to bespeak and afterwards for certificate of funds in court in this cause		6	8
The like in original cause		6	8
Fee to Mr. Pemberton and clerk with brief	5	10	0
Attending him		6	8
Fee to Mr. Shadwell and clerk	8	5	6
Attending him		6	8
Attending Mr. Shadwell, obtaining his certificate for cause to be heard short		6	8
Attending register therewith, and getting cause put in the paper for next short cause day		6	8
Attending Mr. Pemberton to appoint a consultation at Westminster		6	8
Fee to Mr. Pemberton and clerk thereon	2	9	6
The like, Mr. Shadwell	1	3	6
Attending him		6	8
Writing to Mr. Rush informing him of consultation		5	0
Attending consultation when Mr. Pemberton expressed his regret that the petition had not been presented, and directed Mr. Shadwell to draw same immediately		13	4
Paid for room		5	0
May 1.—Mr. Clarke and Fladgate's attending court; cause heard and ordered as per minutes, agreed, but the order to stand over for petition to come on as to funds being paid to Mr. Rush	2	2	0
Paid court fees		13	0
Attending Mr. Rush in very long conference, explaining to him fully what had taken place, and he directed us to use all expedition		13	4
Perusing and considering former petition, and altering same in many respects	1	1	0
Fee to Mr. Shadwell to peruse and settle	3	5	6
Attending him		6	8
Engrossing same and paper, folios 77	1	8	8
Copy for the master of the rolls	1	8	8
Attending presenting petition, when the secretary directed that it be taken to Westminster to be answered by a certain day		6	8
Attending Mr. Pemberton, instructing him to get day appointed accordingly		6	8
Attending court when Mr. Pemberton mentioned it to the court, and it was ordered to be answered for Tuesday next		6	8
Attending his lordship's secretary, and getting same answered accordingly		6	8
Paid answering		6	6
2 copies petition for service, folios 77, each	2	17	4
Attending serving the same on clerks in court		4	0
Drawing and engrossing affidavit of service		8	4
Attending to be sworn		6	8
Paid oath		1	6
Attending to file and for office copy		6	8
Paid for office copy		3	4
2 brief copies petition, 8 brief sheets, each	2	13	4
Drawing observations to accompany 2 brief sheets		13	4

	£	s.	d.
2 brief copies for counsel		18	4
Attending Mr. Rush again hereon, conferring and advising very fully hereon		13	4
Attending register to get original decree altered, as directed by the court, and after some trouble getting same altered accordingly		13	4
Attending to enter and afterwards for same		6	8
Paid at entering seat for alteration		1	0
Fee to Mr. Pemberton and clerk with brief petition	2	4	6
Attending him		6	8
Fee to Mr. Shadwell and clerk	1	3	6
Attending him		6	8
Writing Mr. Rush that the court would not sit on Tuesday, and that petition would be in on Wednesday		5	0
Attending court, petition heard and ordered as prayed		13	4
Paid court fees		7	0
Attending Mr. Rush on the amount of funds in the cause, and writing him out full particulars thereof, and taking his instructions to expedite the transfer and payment to him		13	4
Writing to Mr. Truftant as to his charges and expenses, &c.		5	0
Paid postage letter enclosing same		2	4
Paid same to his agents	10	0	0
Attending paying same and for receipt		6	8
Writing Mr. Rush, at his request, with full particulars of what took place at the hearing of the cause and also of the petition, and generally on the cause		7	6
Attending Mr. Hussey to draw up minutes, when he said the registrar, Mr. Callis, who was in court on the petition, ought to draw them up; attending on Mr. Callis and with him to Mr. Hussey, and arguing same, when it was finally determined that Mr. Hussey should draw up the minutes, and date them the 12th—engaged upwards of an hour		18	4
Paid for copy minutes of decree		10	0
Close copy thereof		5	0
Several attendances upon the registrar, to procure him to pass order, which was at length done	1	6	8
Paid for order on further directions	8	10	0
Paid expenditure		10	0
Term fee, &c.	1	1	8

TRINITY TERM, 1888.

	£	s.	d.
Attending passing same		18	4
Paid entering same		6	6
Attending		6	8
Making copy ordering part of the decree for the master		2	6
Drawing this bill of costs, and fair copy for the master, folios 180	6	0	0
Warrant on leaving same, copy and service		4	6
May 8.—Warrants to tax copies and services	1	16	0
Attending same	2	18	4
Paid clerk in court	2	18	4
Warrant for defendants to bring in their costs, two copies and services		8	0
Paid for copy defendant Drummond's costs, folios 72		9	0
Attending three warrants, taxing same	1	0	0
Paid clerk in court	1	0	0
Paid for copy attorney general's costs, folios 16		2	0
Attending warrant, taxing same		6	8

	£	s.	d.
Paid clerk in court		6	8
Paid for certificate of costs and transcribing	1	0	6
Attending to file		6	8
Paid filing same		3	10
Attending accountant general's, bespeaking clerks		6	8
Paid entering clerk for costs		2	4
Attending bespeaking carrying over of the funds and cash from Hungerford *vs.* Drummond to this cause		6	8
Paid		5	0
Attending bespeaking carrying over of £5,015, bank £3 per cents to Mrs. Batut's account, paid		6	8
Attending bespeaking direction for transfer of all the funds to Mr. Rush in the £3 per cent. annuities		6	8
Paid		2	6
The like on reduced annuities		9	2
The like on bank stock		9	2
Attending bespeaking transfer to Mr. R. Rush		13	4
Paid	1	4	0
Paid messenger		1	6
Instructions for affidavit as to residue of cash		6	8
Drawing and fair copy affidavit		6	8
Attending to be sworn		6	8
Paid oath		1	6
Paid for office copy		4	8
Attending bespeaking check of residue of cash		6	8
Paid clerks for their trouble	5	5	0
Attending to identify Mr. Rush		6	8
Paid entering check		2	4
Term fee, &c.	1	1	8
Letters, messengers, &c.	1	10	0
For various attendance, not hereinbefore enumerated, on Messrs. Derby and Raven, the solicitors for the attorney general; Messrs. Pemberton, Crowley, and Gardner, the solicitors for Mr. de la Batut; and Mr. Cullington, the solicitor for Mr. Fitall, to urge their proceeding in the several matters connected with the suit with all possible expedition; it being the earnest wish of Mr. Rush that the suit should be brought to a final conclusion with the least possible delay	5	5	0
May 25.—Attending Mr. Rush; conferring very fully with him as to the several matters remaining to be done to wind up the suit		13	4
June 2.—Attending Mr. Rush in a long conference as to winding up the suit, and the difficulties we had to encounter in the accountant general's office		13	4
Attending in the city to make inquiries as to the transfer of stock, and found it would not be made until Tuesday, but that Mr. Rush could sell it out the same day		13	4
Writing to Mr. Rush to inform him thereof, and special messenger with letter		7	6
Attending Mr. Rush afterwards, informing him what arrangement we should suggest to him as to selling the stock		6	8
June 4.—Attending Mr. Rush again this day, conferring on the transfer of stock, and as to winding up the suit; and he requested us to write him an official letter announcing the transfer of the funds		13	4
Attending at the accountant general's, to learn if the stocks were transferred, which we found was done		6	8
Writing an official letter to Mr. Rush to inform him thereof, according to his request		5	0

	£	s.	d.
June 5.—Attending Mr. Rush, conferring very fully in what remained to be done, and as to the steps to be taken by him to realize the funds		13	4
June 6.—Attending Mr. Rush on the subject of the residue of cash in court, which was to be paid to him, and explaining that we could procure same out of court by Saturday; and he requested to be furnished with a copy of the list of articles deposited with Mr. Deacon		13	4
Copy list for him, (schedule marked F;) one trunk only, (see list)		2	6
June 8.—Attending the accountant general's to learn if check was ready for Mr. Rush, and found it was, and would be signed this day		6	8
Writing to Mr. Rush to inform him thereof, and to make an appointment for him to attend and receive same		5	0
June 12.—Attending Mr. Deacon to ascertain if the boxes could be sent to our office; and he not being home, writing to him thereon		6	8
June 18.—Attending Mr. Deacon to make appointment for Mr. Rush to attend to inspect contents of boxes		6	8
Writing to Mr. Rush to inform him		5	0
June 20.—Attending at Mr. Deacon's, 31 Upper Norton street, to meet Mr. Rush to inspect the contents of boxes, &c.; but the boxes being more numerous than he expected, he deferred the close examination of them for the present		13	4
June 30.—Attending Mr. Rush, conferring on what remained to be done, and making arrangements with him as to sending the box we had here, together with the plate and other articles, to Mr. Deacon's, where we should meet him and Colonel Aspinwall, the consul, and seal all the boxes up		13	4
Making list of the plate and other articles		5	0
Mr. Rush wishing to know what the several funds would have realized if they could have been sold immediately upon the death of Mr. Hungerford, attending at Messrs. Drummond's to learn what the prices of the several stocks then were, and making a calculation accordingly; and drawing out a statement for Mr. Rush, from which it appeared that, after deducting all the costs, the funds had realized £178 12*s*. 1*d*. more now than they would have done if the funds had all been sold immediately upon the decease of Mr. Hungerford	2	2	0
Paid for a new lock to box		5	0
July 6.—Attending at Mr. Deacon's to meet Mr. Rush and Colonel Aspinwall, when the several boxes were sealed up, and directions given for their transmission to the wharf	1	1	0
Attending at the accountant general's, to bespeak a transcript of account		6	8
Paid for same		8	0
Attending to procure same		6	8
Several other attendances upon Mr. Rush, furnishing him with all such further information as he required previous to his leaving this country for America	3	3	0
Letters and messengers, coach-hire, and various incidental expenses		15	0
	£490	4	10

IN CHANCERY.

Between the President of the United States of America, *Plaintiff*,
and
Chas. Drummond, Esq., and her Majesty's Attorney General, *Defendants*.

Thomas Clarke, Thomas George Fynmore, and Williai Mark Fladgate, of Craven street, Strand, in the county ‹ Middlesex, solicitors and copartners, severally make oat and say, that the several disbursements contained in th aforegoing account have been duly made, and that th several charges therein contained are just and true, to th best of these deponents' knowledge and belief.

THOMAS CLARKE,
THOMAS G. FYNMORE,
WM. M. FLADGATE.

Sworn by all the deponents, at the public office, Soutl ampton Buildings, in the county of Middlesex, the 11th da of July, 1838, before me.

E. WINGFIELD.

Clark, Fynmore & Fladgate to Richard Rush.

43 CRAVEN STREET, STRAND, *July* 13, 1838.

DEAR SIR: With reference to the gun, a few pieces c china, and a few other articles of a miscellaneous nature which are mentioned in the schedule of property formerl; belonging to Mr. Smithson, (of which schedule we furnishe to you a copy,) and which articles do not now appear to b amongst the property lately under the charge of Messrs Deacon, we beg to state that the schedule in question was schedule prepared at the time of Mr. Smithson's death, nov several years back, and that we have no doubt that the ar ticles (which appear to have been such as would be use personally by Mr. Smithson) were handed to Mr. Hunger ford, who, indeed, had he thought fit to apply for them would, under the direction of the court, have obtained pos session of all the property lodged with Messrs. Deacon, an which is now handed over to you as representative of th United States.

We are, dear sir, your very obedient servants,

CLARKE, FYNMORE & FLADGATE.

RICHARD RUSH, Esq.

Richard Rush to John Forsyth.

LONDON, *July* 14, 1838.

SIR: All the transfers of stock were made on the proper days; all the money was received, and arrangements are now in daily progress for obtaining, insuring, and shipping the gold. It will be on board the New York packet Mediator, Captain Champlin, by or before the 17th instant, in which ship I have taken my passage, intending to embark on that day. The costs of suit have been paid, but the other expenses, arising out of the sale of the stock and shipment of the proceeds, cannot be examined and settled until immediately before I embark, as the whole of the operations cannot be completed until then. It will hence not be in my power to make a statement of all these expenses until I arrive at New York or Washington, when it shall be rendered in a manner that I trust will be satisfactory. I can only repeat that my best exertions have not been spared to keep them all within a compass as moderate as possible.

I received at the Bank of England, day before yesterday, £900, being the interest on £60,000 of consols sold on the 6th of June. It will be remembered (see my No. 27) that this amount of the consols was sold on time, the stock not being deliverable until the 6th of July, which was the day after the dividends for the last six months fell due, by which I became entitled to receive for the United States the above sum of £900.

The boxes and trunk mentioned in my last are to go on shipboard to-day. Before knowing anything of their contents, I thought proper to have them opened and examined in the presence of our consul and two other persons. A large portion of the contents proved to be unimportant: nevertheless, all will be delivered over on my arrival as I received them, except to have them better packed for a sea voyage, and so as to prevent further injury to that which time and bad packing have already done to them.

I design to leave this letter behind me, to be forwarded by the British steamer Great Western, which, although not to sail until after the Mediator, may be expected to arrive first at New York. My going in the Great Western has been precluded by the fact of her accommodations for passengers having all been engaged long before I knew the time when I should be able to close the business in my hands, and have the gold ready for shipment.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH, *Secretary of State.*

Account of Thomas Aspinwall.

I, Thomas Aspinwall, of London, being duly sworn on the Holy Evangelists, do declare and depose that the within account is just and true, and that the services therein referred to and specified in the vouchers of said account, signed by me, and marked respectively No. 1, No. 2, were duly and actually performed.

THOS. ASPINWALL.

Sworn this seventeenth day of July, 1838, at London, before me.

J. COWAN, *Mayor.*

The Hon. Richard Rush, agent for the Smithsonian fund, in account current with Thomas Aspinwall.

Dr.			Cr.	
1838.			1838.	
July 16.	To am't of invoice of sovereigns, procured and shipped on board the Mediator, as per copy herewith,	£105,565 12 5	July 16. By cash rec'd from him	£106,370 7 8
	To commission for various services, as per account No. 1, herewith	797 15 6		
	To charges on 14 pk'gs, shipped on board the Mediator, as per ac't No. 2 herewith	6 19 4		
		£106,870 7 8		£106,370 7 8

THOS. ASPINWALL.

LONDON, *July* 17, 1838.

(No. 1.)

The Hon. Richard Rush in account with the Smithsonian fund,
To Thomas Aspinwall, Dr.

For services rendered throughout the month of June and up to this date, in July; in attending your acceptance of all the stocks transferred to you by the accountant general of the court of chancery; advising, negotiating, and completing, under your directions, and realizing the proceeds of various contracts for the sale of the same stocks, consisting of consols, bank stock, and three per cent. reduced annuities, sold at different periods and in different parcels; attending payment and receipt of balances, dividend, and the respective transfers to the various purchasers of the same; obtaining, verifying, arranging, packing, and securing for shipment 104,960 sovereigns, being the amount of proceeds of the Smithsonian fund, (less premiums of insurance, charges, and expenses;) contracting for freight; entering and clearing at the custom-house; shipping and effecting insurance at the five principal offices, and with thirty-two private underwriters at Lloyds.

Commission at ¾ per cent.......... £797 15*s.* 6*d.*

THOMAS ASPINWALL.

LONDON, *July* 17, 1838.

LONDON, *July* 17, 1838.

Received of the honorable Richard Rush the within-mentioned sum seven hundred and ninety-seven pounds fifteen shillings and sixpence sterling, (£797 15*s.* 6*d.*) for which I have credited in my accounts, and also signed this and a duplicate receipt of the same tenor and date.

£797 15*s.* 6*d.* THOMAS ASPINWALL.

LONDON, *July* 13, 1838.

The Honorable Richard Rush to William Brown.

	£	s.	d.
To unpacking and repacking 14 packages, at 2*s.* 6*d.*	1	15	0
cord and nails for mending do..........................		3	6
	£1	18	6

Paid 14th July, 1838. WILLIAM BROWN.

A true copy original in Thomas Aspinwall's account.

JAMES M. CURLEY.

(No. 2.)

JULY 13, 1838.

Account of charges on 14 packages, marked "the United States," Nos. 1 to 14, shipped on board the ship Mediator, Christopher H. Champlin, master, by order of the Honorable Richard Rush, for account and risk of the Government of the United States.

	£	s.	d.
Cartage and porterage	1	0	6
Duty and entry	1	2	6
Dock dues		15	10
Bills of lading		3	6
1 packing case (No. 14)		3	6
Shipping, entering, and clearing 14 packages, at 2*s.* 6*d.*	1	15	0
Cord and nails for mending do.		3	6
* Unpacking and repacking do., and cording, mending, and securing, at 2*s.* 6*d.* each	1	15	0
	£6	19	4

Received the above amount in account with Mr. Rush.

THOMAS ASPINWALL.

Mediator, Champlin, New York.

T. ASPINWALL.

British coin for and on account. Entry, 5*s.* 6*d.*

THOMAS TANNER.

Witness: JAMES M. CURLEY.

JULY 17, 1838.

When paid to be immediately exhibited at the Department, where this bill has been made out; by which business will be materially expedited.

St. Catharine Docks, No. 1872, *wharfage book, outwards.*

MR. ASPINWALL, DR., TO THE ST. CATHARINE DOCK COMPANY.

N. B.—The amount of these charges to be paid to the collector, who is the only officer authorized to receive money on account of the company.

1838.	Per Mediator—	£	s.	d.
July 17.	[A] 1 to 10, wharfage and shipping, 10 cases, at 2*s.*	1	0	0
	11, do. do. 1 case, at 1*s.*	0	1	0
		1	1	0

(One pound one shilling.)

JULY 17, 1838.

Received, H. WHARTON, *Collector.*

Witness: JAMES M. CURLEY.

(Entered schedule.)

The invoice having necessarily been made up before the cases were actually shipped on board, the usual charge of ten shillings was inserted therein; and it was not ascertained, until after they were shipped, that a difference was made with respect to bullion; amounting, in this instance, to eleven shillings, which has not been paid by Mr. Rush, but by Thomas Aspinwall, and by him relinquished.

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* In consequence of the very loose and careless manner in which the boxes were originally packed, and of the damaged state of the packages, this charge was unavoidably incurred to prevent the contents from being ground to pieces, and lost on the passage to the United States.

T. ASPINWALL, ESQ., TO BULLION PORTERS, DR.

		£	s.	d.
1838. July 16.	11 boxes and packing sovereigns, at 3s. 6d.	1	18	6
	105 bags for sovereigns, at 6d.	2	12	6
	For packing and marking.		2	6
		£4	13	6

Paid: C. HARDINGHAM

Witness: JAMES M. CURLEY.

COLONEL ASPINWALL TO MRS. CLARK, DR.

1838. July 17	For cartage and porterage of eleven boxes of bullion from the bank to the St. Catharine's dock	*8 shillings.*

Received: HENRY × POTTER.

Witness: JAMES M. CURLEY.

Invoice of eleven boxes of gold coin, shipped on board the ship Mediator, of New York, Christopher H. Champlin, master, bound to New York, by order of the Hon. Richard Rush, and for the account and risk of the United States.

	£	s.	d.	£	s.	d.
A 1 to 10. Ten boxes, each containing £10,000, (sovereigns)				100,000	0	0
11. One box, containing				4,960	8	7
Charges.				104,960	8	7
105 bags, at 6d. each	2	12	6			
11 boxes' at 3s. 6d. each	1	18	6			
Packing and marking		2	6			
Porterage and cart hire		8	0			
Bills of lading		8	6			
Entry 5s. 6d., dock charges 10s.		15	6			
				6	0	6
Insurance on £106,400, at ½ per cent	532	0	0			
Policies and stamp duties	67	8	4			
				599	3	4
				£105,565	12	5

THOMAS ASPINWALL.

	£	£	Policy and duty. £	s	d.
Insured with the Indemnity	30,000,	for 150	18	15	0
Insured with the London Insurance	10,000,	for 50	6	5	0
Insurance with the Alliance	20,000,	for 100	12	10	0
Insured with the Royal Exchange	15,000,	for 75	9	7	6
Insured with the Marine Insurance	10,000,	for 50	6	5	0
Insured at Lloyd's	21,400,	for 107	14	0	10
	£106,400	£532	£67	8	4

MEM.—The sovereigns are packed in bags of 1,000 each, with the exception of one, in case No. 11, which contains 960 sovereigns and 8 shillings and 7 pence wrapped in paper; each case being sealed with two seals.

JULY 16, 1838.

Stock	Particulars	Detail	Amount	Total
	For the following stocks transferred to him by a decree of the high court of chancery, and sold, as follows, viz:			
£4,585 18s. 9d.	3 per cent. consols, sold at 94¾		£4,297 16s. 0d.	
	Transfer	£0 5s. 0d.		
	Brokerage	5 13 6	5 18 6	£4,291 17s. 6d.
60,000 0 0	3 per cent. consols, sold at 95⅛/93⅝ ex. dividend		56,175 0 0	
12,000 0 0	3 per cent. reduced, at 94		11,280 0 0	
			67,455 0 0	
	Transfer	£2 0s. 0d.		
	Brokerage	90 0 0	92 0 0	67,363 0 0
5,000 0 0	bank stock sold at 204¾		10,237 10 0	
3,000 0 0	do. do. 204⅞		6 146 5 0	
5,000 0 0	do. do. 205		10 250 0 0	
3,100 0 0	do. do. 205¼		6,362 15 0	
£16,100 0 0			£32,996 10 0	
	Stamps for transfer	£1 16s. 0d.		
	Transfer fees	7 6		
	Brokerage	20 2 6	22 6 0	32,974 4 0
	To balance of cash received from the accountant general of the court of chancery			725 3 7
	To amount returned by the solicitors, (excess of costs)			116 2 2
	To amount of dividend received on £60,000, 3 per cent. consols			900 0 0
				£106,870 7 3

Particulars	Amount
By commission paid for various services, as per account No. 1, herewith	£797 15s. 6d.
By charges paid on 14 packages shipped on board the Mediator, as per account No. 2, herewith	6 19 4
By amount of invoice of specie shipped on board the Mediator, as per copy, herewith	105,565 12 5
	£106,870 7 3

Schedule of the personal effects of James Smithson referred to in the bill of costs.

A large trunk;
A box containing sundry specimens of minerals, marked E;
A brass instrument;
A box of minerals, marked F;
A box of chemical glasses, marked G;
A packet of minerals, marked H;
A glass vinegar cruet;
A stone mortar;
A pair of silver-plated candlesticks and branches;
A pair of silver-plated candlesticks, no branches;
A hone in a mahogany case;
A plated wire flower-basket;
A plated coffee-pot;
A plated small one;
A pair of wine-coolers;
A pair small candlesticks;
Two pair of saltcellars;
A bread-basket;
Two pair of vegetable dishes and covers;
A large round waiter;
A large oval do.; two small do.;
Two plate-warmers;
A reading-shade.

Sundry articles in packet and in trunk.

(*a*) A gun;
(*a*) A mahogany cabinet;
(*a*) Two portraits, in oval frames.

China tea service, viz.:

(*a*) Twelve cups and saucers;
(*a*) Six coffee cups;
(*a*) A tea-pot;
(*a*) A slop-basin;
(*a*) Sugar-basin and lid;
(*a*) Two plates;
(*a*) Milk-jug;
(*a*) Tea canister;
(*a*) Two dishes;
(*a*) A landscape, in a gilt frame;
(*a*) A Derby spa vase;
(*a*) A China tub;
(*a*) A piece of fluor;
(*a*) A pair of glass candlesticks;
A marble bust.

Books.

Sundry pamphlets on philosophical subjects, in packet marked A;
The like, marked B;
Struggles Through Life;
Bibliotheca Parisiana;
La Platina l'Or Blanc;
Contorides des Indiens;
Sundry pamphlets on philosophical subjects, marked C;
Weld's Travels in North America, 2 vols;
Bray's Derbyshire;

Twenty-three numbers of Nicholson's Journal of Natural Philosophy, in a case, (D ;)

Memoire d'un Voyageur qui le répose ;
Hamilton in Antrim ;
Londres et de ses Environs ;
Stow on Solids ;
Essais de Jean Key ;
Mon Bonnet de Nuit ;
Domestic Cookery ;
Catalogue de Fossils des Roches ;
The Monthly Review, 78 Nos. ;
The Monthly Review, 26 volumes ;
Philosophical Transactions for the year 1826 ;
Anthologies et Fragments Philosophiques, 4 volumes ;

Two large boxes filled with specimens of minerals and manuscript treatises, apparently in the testator's handwriting, on various philosophical subjects, particularly chemistry and mineralogy ;

Eight cases and one trunk filled with the like.

Those articles to which this mark (*a*) is prefixed were not in the trunk No. 13 when it was first opened in the consulate of the United States in our presence.

All the linen in trunk No. 13 was transferred from case 7, and sundry articles of plated ware and philosophical instruments, &c., were transferred from case 12. Sundry books, which were tied together, were also put in this case.

Richard Rush to John Forsyth.

HARBOR OF NEW YORK, *August* 28, 1838.

SIR : I have the honor to report to you my arrival here in the ship Mediator, with the amount in gold of the Smithsonian bequest recovered for the United States.

The expenses, of every kind, incurred by closing the business in London and shipping the gold, were paid there ; but I have still to pay freight here and primage, and also some other small charges incurred on bringing over the Smithsonian boxes and trunks heretofore mentioned. When everything is fully paid, there will be left in my hands, as well as I can now compute the amount, upwards of £104,500 ; the whole is in sovereigns packed in boxes.

The money being consigned to no one here, I must continue to hold it in my custody until I can receive your instructions to whom to deliver it, as provided for by the act of Congress of the 1st of July, 1836.

I have the honor to remain, in the meantime, your most faithful and obedient servant,

RICHARD RUSH.

HON. JOHN FORSYTH, *Secretary of State.*

Richard Rush to John Forsyth.

NEW YORK, *August* 29, 1838.

SIR: On landing from the ship yesterday morning, I received the official letter of the Secretary of the Treasury, dated the 20th of July, which had been waiting my arrival here, instructing me to transfer the Smithsonian fund to Philadelphia, to be deposited with the Treasurer of the Mint, to the credit of the Treasurer of the United States, taking duplicate receipts from the former, one of which to be transmitted to the latter.

The ship has not yet got into the dock, but the gold shall be sent on to Philadelphia, as soon as practicable, in the eleven boxes in which it was packed at the Bank of England, according to the instructions I have thus received from the Secretary of the Treasury.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH, *Secretary of State.*

John Forsyth to Richard Rush.

DEPARTMENT OF STATE,
WASHINGTON, *August* 30, 1838.

SIR: I have the honor to acknowledge the receipt of your despatch No. 30, of the 28th instant, announcing your arrival in the harbor of New York, with the Smithsonian bequest in gold. With regard to the disposition to be made by you of these funds, you no doubt will have learned, upon landing, that your request had been anticipated by instructions to you from the Treasury Department, intrusted to the care of Mr. George Newbold, president of the Bank of America.

Tendering to you my congratulations on the success of your mission, and on your safe return to your country, I am, sir, respectfully, your obedient servant,

JOHN FORSYTH.

RICHARD RUSH, Esq., *New York.*

Richard Rush to John Forsyth.

PHILADELPHIA, *September* 4, 1838.

SIR: I was yesterday honored with your letter of the 30th of August, acknowledging my No. 30 from the harbor of

New York, and tender my thanks for your kind congratulations on my return to my own country, and on the success of the public business confided to me. Your letter went on to New York, as directed, but was returned; and I received it at my home, near the city.

My No. 31, written after I had landed, will have informed you that I had then received the instructions of the Secretary of the Treasury to which your letter refers, and I have since been in correspondence with him. Owing to the delay in getting the ship into the dock, I was not able to leave New York with the gold until the first of this month, when I arrived with it, accompanied by two agents from the Bank of America, that institution having, at the request of the Secretary of the Treasury, obligingly afforded me every facility in its power towards the business I had in hand. I did not, however, feel at liberty to withdraw my own personal superintendence from the operation of transferring the gold, until I saw it deposited at the Mint. Thither I immediately had it conveyed on reaching this city on the 1st instant, the director and Treasurer of the Mint having been in readiness to receive it under the previous information of its intended transfer, which I had requested the bank to transmit. The entire sum contained in the eleven boxes which I delivered to those two officers of the Mint on Saturday, was £104,960 8*s.* 6*d.*—the whole in English sovereigns, except the change; and I have now the satisfaction of informing you that official receipts of this amount from my hands have been forwarded to the Treasury Department.

The excess of this sum over that which I had computed in my No. 30 as the probable amount to be left in my hands, arises from the president of the bank having undertaken, at my suggestion, to pay the freight and other shipping-charges due at New York; the bank to be repaid by the Treasury. The freight was three-eighths of one per cent.—this being the usual charge in the packet-ships—and came to £393 12*s.* Primage was £19 13*s.* 8*d.*; and the charges on bringing over the Smithsonian boxes (left in the custody of the collector, from whom I had every facility on landing) were to have been £3 8*s.* 5*d.*, or thereabouts.*

It seemed to me that it would be best for the bank to pay all these charges, as the most convenient mode of settling without delay with the ship-owners, to whom I had become responsible by my engagements with the captain in Lon-

* There proved to be fourteen of these boxes, the additional one containing a picture, of which I had not heard at the date of my No. 28.

don; and I have the hope that this course will meet the approbation of the Secretary of the Treasury and yourself. It left the gold, as secured in boxes at the Bank of England, untouched at New York; and I had caused the seal of our consul at London to be affixed to each of them.

Somewhat worn down by fatigue since coming on shore, after an uncomfortable voyage of squalls, gales, and head winds, I venture to ask a little repose at my home before proceeding to Washington, for the purpose of making out and rendering to you an account of all expenses that have attended the final recovery of this fund, of which the United States, by the information I give you in this letter, are now in possession. In the course of the next week I shall hope to proceed to Washington, with the view stated; and in order that, my account of the expenses being found satisfactory, which I presume to hope will be the case, I may ask to be discharged from all further responsibility under the trust I have been performing. The net amount, in dollars, of the fund as I delivered it over to the United States at the Mint, was found to be five hundred and eight thousand three hundred and eighteen dollars forty-six cents, ($508,318,46,) as specified in the receipt given to me for it by the treasurer of the Mint.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

The Hon. JOHN FORSYTH, *Secretary of State.*

Richard Rush to John Forsyth.

PHILADELPHIA, *September* 11, 1838.

SIR: I yesterday received a letter from the Secretary of the Treasury, dated the 7th instant, stating it to be desirable that the expenses attending the transfer of the Smithsonian fund to this country, and its deposit at the Mint, should be ascertained as early as practicable, that the accounts in relation to it may be adjusted with a view to the investment of the balance, and asking my attention to the subject at my earliest convenience.

In reply, I had the honor to inform the Secretary that I could not make out a statement of the expenses, as far as then incurred, before embarking at London with the gold, the documents relating to them not being obtainable until the last moments of my stay; besides that, the whole opera-

tions of selling the stock in the English funds, in which Mr. Smithson's fortune was invested, and afterwards shipping the gold, required and had my constant supervision until I saw the latter finally deposited at our Mint, in fulfilment of his instructions; that, having suffered greatly from sea sickness during the voyage, added to fatigue after landing in a weak state at New York, where the care of the gold still required my personal superintendence, I had been unable hitherto to prepare a statement of the expenses in question, but that I was now regaining strength and intended to set out for Washington on Saturday, at farthest, if then able, as at present I had reason to hope would be the case. I added, that I supposed a settlement of my account could be effected more satisfactorily and promptly by my presence with the accounting officers at Washington than by any attempt to make it out here, and transmit it by letter, which, it may be, might lead to writing backwards and forwards before a final adjustment took place; of which correspondence I have the honor to inform you, and to remain, with great respect, your obedient servant.

RICHARD RUSH.

HON. JOHN FORSYTH, *Secretary of State.*

Richard Rush to John Forsyth.

WASHINGTON, *September* 15, 1838.

SIR: I am now to give you a statement of all the expenses that attended the recovery of the Smithsonian bequest for the United States.

It may be in order first to mention the whole amount of stock and money that came into my hands from the court of chancery, or otherwise.

I received of English Government stock £64,535 18*s.* 9*d.* in consols, £12,000 in reduced three per cent. annuities, and £16,100 in bank stock of the Bank of England, as heretofore mentioned in my No. 26, and will now be seen by the original order or decree of the court, which I enclose, (marked A.) This document I could not obtain until the 11th of July, when I received it with the letter of the solicitors of that date, also enclosed, (marked B.)

On the 11th of June I received from the accountant general of the court of chancery £725 8*s.* 7*d.* This was the sum remaining to be paid to me, after previous payments to others, out of cash in hand appertaining to the Smithsonian

fund whilst in the custody of the court, as will be seen in the concluding part of the decree. That this was the exact residue coming to me, will be further seen by an explanatory letter from the solicitors of the 5th of July, also enclosed, (marked C,) and more authoritatively by a document (marked D) from the books of the accountant general of the court, sent to me by the solicitors, with their letter of the 11th of July. This document, besides verifying in its own forms the amount of stock and money I have otherwise stated myself to have received, also verifies the statements in my Nos. 26 and 28, as to the sums awarded to Madame de la Batut, the arrears to John Fitall, and the money decreed as warehouse rent for the boxes containing the personal effects of Mr. Smithson, which I brought over and delivered into the custody of the collector at New York. It is a document founded on the decree of the court itself, and shows in more detail how its judgments were fulfilled.

I received on the 12th of July £900 at the Bank of England, being the dividend due on the consols I had sold, as mentioned in my No. 29; and, lastly, I received from the solicitors £116 2*s.* 2*d.*, being money returned by them out of what I had paid them for costs on the 8th day of April, 1837, viz: £200 4*s.*, as reported in my No. 14. The following is the explanation of this item: When I paid them this sum, I fully expected to pay all further costs out of the same fund, then in my hands, that Congress had appropriated for that purpose; but it appears that, on the termination of the suit in favor of the United States, the costs of all parties were paid out of the corpus of the fund; nor would the court award the fund to the United States, as may be seen by the decree, until all costs were accordingly first taken out of it, which the court judged it proper the fund itself should bear. I knew not of such a rule which the solicitors advert to in their letter of July the 5th, until a short time before the decree was pronounced. The total amount of their costs, as made known to me in the same letter, and set out in detail in a voluminous bill, which I enclose, (marked E,) and to which I caused their affidavits to be annexed, was £490 4*s.* 10*d.* The court adjudged £406 3*s.* of this sum to be paid to them out of the fund, as their taxed costs, which, added to what I had previously paid them, made £606 7*s.* The difference between this and £490 4*s.* 10*d.* being £116 2*s.* 2*d.*, they refunded the latter sum to me. Their total bill, (considering that it included all fees paid by them under my direction to the counsel, and all costs and charges

of every description from the beginning to the end of the suit, with some small extra charges, to which their letter refers, which I also authorized, to ensure a speedy and successful termination of the suit,) and considering the magnitude of the suit, was, in my judgment, and in that of others better informed, to whom I submitted its amount, extremely moderate. I hope it will be thought to show care on my part to keep all those charges low, that often are run up to amounts so enormous in English chancery proceedings; and, let me add, as in justice I am bound to do, to show more strongly that the solicitors I had to deal with were honorable and just men.

I did not consider these refunded costs as belonging to the legacy fund recovered, but I threw them into it when the general gold was obtained, that all might be safely kept together, and come under one insurance.

The gross amount yielded by all the stock I sold, including the £900 I received as the dividend on the consols, was £105,649 6*s.*

For the prices at which I sold the different parcels and kinds, I beg to refer to my Nos. 27 and 28, which detail the commencement, progress, and conclusion of the sales. This sum, added to the £725 3*s.* 7*d.* received from the accountant general of the court of chancery, and the £116 2*s.* 2*d.* returned to me by the solicitors, will show that the entire sum that came into my hands was £106,490 11*s.* 9*d.*

I am next to inform you of the expenses that attended the sales of the stock, and shipping and bringing over the gold to this country.

After I had finally recovered the legacy from the court of chancery, it did not seem to me prudent that I should, by myself alone, undertake the sales of the stock awarded, and delivered to me by its decree, any more than the shipment of the gold, into which the money was afterwards to be converted; these ulterior operations being usually conducted through mercantile agencies, and being of a nature not to be advantageously, if safely, conducted without them. Feeling inadequate, in my own person merely, to the management of such operations, my first intention was that the sales of the stock, as a highly important part of them, should be put under the direction of some experienced mercantile or banking-house in London, familiar with the modes of doing business on its great stock exchange, and self-confident in the measures to be taken. But I found that to put this operation into such hands would incur a commision of one per cent. on the entire fund, as mentioned in my No.

27, in addition to brokerage and other charges, such as the expenses on transfers and stamps; besides that, I should have had to part with the possession of the stock to such mercantile or banking-house whilst the sales were going on. I was also given to understand that this latter step would probably lay a foundation for a further mercantile commission on receiving and paying.

Weighing all these circumstances, I came to the conclusion to keep the operation of selling the stock in my own hands. Nevertheless, I felt, as already intimated, that I could conduct it with neither skill nor safety unless under the counsel and co-operation of a person well informed in these matters, and trustworthy. To the consul of the United States in London I applied as to such a person, and received from him, as my No. 27 informed you, this aid and co-operation, in the fullest and most efficient manner, daily, throughout the months of June and July, until all the sales were effected; and effected, I may be allowed to add, with favorable results not to have been surpassed, as I have already reported to you, and as the public records of the London stock market on each of the days that I sold will attest. Into his hands I also put the other mercantile business necessary to the shipment of the gold. These included the obtaining, verifying, arranging, packing, and securing it for shipment, contracting for freight, entering and clearing at the custom-house, effecting insurance, (which was done at five principal offices and with thirty-two private underwriters,) and, finally, shipping the gold. For these services, of whatever kind, (and I had many incidental ones from him, not here enumerated,) I allowed and paid him a commission of three-fourths of one per cent. which amounted to £797 15*s.* 6*d.*

I speak from good information when expressing a belief that an equal amount of assistance and services to me, under all the heads rendered, could not have been commanded through the usual agency of banking and commercial houses, on so heavy and responsible a moneyed operation, at a less charge to the fund than a commission of from two to two and a half per cent. on the whole amount of it; and that this falls below rather than goes beyond what it might be expected to have been.

I enclose the consul's account, signed T. Aspinwall, together with his voucher for a charge of £6 19*s.* 4*d.* for expenses paid by him on shipping the fourteen Smithsonian boxes.

The premium for insurance was one half of one per cent.,

and amounted, with the expense of stamps and polices, to £599 3*s.* 4*d.* The statement of this, as paid for me by the consul, will be seen in the enclosure, (marked "Invoice,") on which are also certain items, as dock charges, charges for bills of lading, and some other things, amounting in all to £6 0*s.* 6*d.*, accompanied by vouchers. I also enclose the policies of insurance.* The insurance covered all commissions and charges paid in London, so as to have made the United States entirely whole in case of loss. This I directed, thinking it most prudent.

The expenses on selling the stock, viz: brokerage, charges on the transfers, and charges for stamps, were £120 4*s.* 6*d.* These will be seen in my account, marked among the enclosures R. R.

The several expenses above enumerated, viz:

1st. The consul's commission of £797 15*s.* 6*d.*, and charges £6 19*s.* 4*d.*

2d. The premium of insurance, stamps, and policies, viz: £599 3*s.* 4*d.*, with the charges £6 0*s.* 6*d.*

And 3. The expense of selling the stock, viz: £120 4*s.* 6*d.*, deducted from the gross amount of moneys that came into my hands, viz: £106,490 11*s.* 9*d.*, will leave £104,960 8*s.* 7*d.*, which was the precise sum in gold I brought over in the eleven boxes, and, under instructions from the Secretary of the Treasury, deposited at the Mint in Philadelphia, on the 1st instant, to the credit of the Treasurer of the United States.

The foregoing is the statement I have to make of the expenses. I presume to hope that they will not be thought objectionable, but, on the contrary, moderate under all the heads. If I have been somewhat minute in explaining them, it is for the better understanding of the different accounts and documents enclosed, trusting that this will be my excuse when about to surrender up a trust where so much pecuniary responsibility has devolved upon me.

In regard to the 14 boxes containing the personal effects of Mr. Smithson, it will be perceived that the letter of the solicitors, of the 5th July, mentions that they had sent me a list of them. They did so, and I enclose it, (marked F.) It is proper to remark, that this list refers to but one of the boxes, or rather to a trunk, as their letter specifies, and it proved to be erroneous. I preferred that all these boxes, and the trunk, should be first opened at the consulate, in

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* It has been deemed unnecessary, at the Department of State, to communicate copies of the several policies of insurance above referred to.

presence of the consul and others, who might aid me in ascertaining their contents. When the trunk was opened, several of the articles down upon the list were not in it. I mentioned this to the solicitors, and it produced the explanatory letter from them of the 13th of July, which I enclose, (marked G.) All the rest of the boxes were filled with things of little intrinsic value, as far as a mere superficial inspection of them, pressed upon me on the eve of my embarkation, could determine. They seemed to be chiefly old books, pamphlets, manuscripts, and some philosophical or chemical instruments. Of the whole contents, (such as they were,) all were left as we found them, except to have been repacked, with the aid of the consul and his assistants, and put in a better state for crossing the sea than they were when delivered to me. When first opened, it was evident that time, mould, and careless packing in the first instance, had nearly destroyed many of the articles.

The freight payable on the gold was not paid in London, not being due until the arrival of the ship at New York; but the consul agreed with the captain for three-eighths of one per cent., which brought the amount to £393 12s. Primage was £19 13*s.* 8*d.*; and the freight and primage on the 14 Smithsonian boxes was to have been £3 8*s.* 5*d.* These several charges I was necessarily obliged to assume for the United States, and engaged to pay them when the ship got to New York. On arriving there, I received the instructions of the Secretary of the Treasury, of the 20th of July, directing me to transfer the gold to the Mint at Philadelphia as soon as practicable; it being added that the president of the Bank of America at New York had been requested to render me any facilities in his power. The captain of the ship being content to take the bank as payment for these last-mentioned charges, I thought I should best consult the spirit of the Secretary's instructions by leaving the bank to pay them, which its president expressed an immediate readiness to do. I supposed it could make no difference to the Government, in the end, whilst it saved the necessity of opening one of the boxes of the gold at New York, out of which fund alone I could have made the payment if demanded of me under the engagement I had contracted. The bank may have further charges to make for its aid to me otherwise in removing the gold to the Mint, but I know nothing of them in detail.

Referring, therefore, to that part of the Secretary's letter to me of the 7th instant, which I mentioned in my No. 33, asking a statement of expenses attending the transportation

of the gold after its actual shipment at London, and its transfer to the Mint at Philadelphia after its arrival at New York, I beg to offer the above explanation, having paid nothing myself.

I have the honor to remain, with great respect, your obedient servant, RICHARD RUSH.

Hon. JOHN FORSYTH, *Secretary of State.*

John Forsyth to Levi Woodbury.

DEPARTMENT OF STATE,
WASHINGTON, *September* 18, 1838.

SIR: I have the honor to transmit, herewith, two letters from Mr. Richard Rush, Nos. 34 and 35, with the papers which accompanied them, in relation to the amount recovered of the Smithsonian legacy, and the expenses attending the recovery, and the transmission of the proceeds to this country.

I am, sir, your obedient servant,

JOHN FORSYTH.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

Edward Stubbs to Stephen Pleasonton.

DEPARTMENT OF STATE,
WASHINGTON, *September* 24, 1838.

SIR: I am directed to transmit to you, for settlement, the enclosed account of Mr. Richard Rush, and a letter from him (No. 36) accompanying it. The balance which may be found due to Mr. Rush he wishes to have remitted to him. The compensation and allowance for expenses are to be up to the period charged in the account, (the 20th instant.)

It is presumed that the amount repaid to Mr. Rush by the solicitors in London, mentioned in his letter, (£116 2*s.* 2*d.* sterling,) which was paid into the Treasury, together with the avails of the Smithsonian legacy, will be brought to the credit of the appropriation from which it was originally taken, and thus form a fund from which the balance due to Mr. Rush can be paid. The papers explanatory of this circumstance have been transmitted, together with the account of the legacy, to the Treasury Department.

I am, sir, your obedient servant,

EDWARD STUBBS, *Agent.*

STEPHEN PLEASONTON, Esq., *Fifth Auditor.*

Levi Woodbury to the President.

TREASURY DEPARTMENT, *Dec.* 3, 1838.

SIR: I have the honor to report to you that, under the act of Congress approved 1st July, 1836, in relation to the legacy bequeathed to the United States by James Smithson, the sum of $508,318.46 has been received, and paid into the Treasury of the United States.

In compliance with the provisions of the sixth section of the act of Congress for the support of the Military Academy of the United States, and for other purposes, approved 7th July, 1838, the sum of $499,500 has been expended in the purchase of five hundred bonds of the State of Arkansas, for one thousand dollars each, bearing six per cent. interest, payable semi-annually, on the first days of January and July in each year, from the fourth day of September last, (the period of their purchase.) The further sum of $8,270.67 has been applied to the purchase of eight bonds of the State of Michigan, bearing six per cent. interest, payable semi-annually hereafter, on the first Mondays in January and July, from the 1st of May last. The interest on all these bonds is payable at the city of New York.

There is still left in the Treasury the sum of $547.79 which has not yet been invested, but will be as soon as a favorable opportunity offers.

The amount received in London by the agent of the United States, under the decree of the court of chancery of England, was the gross sum of £106,490 11*s.* 9*d.*, including the sum of £116 2*s.* 2*d.*, for costs refunded. This was reduced, by the payment of commissions, insurances, &c., to the sum of £104,960 8*s.* 9*d.*, which was brought into the United States in gold, and produced at the Mint the sum of $508,318.46, before mentioned.

This department having doubts as to what constituted the amount of the Smithsonian fund, consulted the Attorney General, and he has given his opinion (hereto annexed, A,) that the proper construction to be given to the legislation of Congress on this subject requires that the gross amount of the payment made to the agent of the United States, after deducting the costs refunded, as before stated, shall constitute the fund, "and all expenses, of whatever kind or nature, should be paid out of the appropriation made by Congress." That appropriation, however, not being sufficient, an estimate will accordingly be submitted to the House of Representatives, to enable the Department to comply with the

acts of Congress referred to, in accordance with the construction thus given to them by the Attorney General.

The estimate to be submitted is for $10,000. Of this, the sum of $128.24 will be required to make good a deficiency in the former appropriation. The sum of $6,848.12 will be required to be added to the fund, on the principles laid down by the Attorney General. This sum is estimated on the same ratio as upon the amount produced in the United States on the remittance which has been received. The balance, $3,023.64, will be required to pay the freight, &c., of the remittance amounting, to $2,235.63, and such expenses as may be incurred in disposing of the personal effects of Mr. Smithson, which have been brought to the United States; for the sale of which I would suggest that provision should be made by Congress.

This report is submitted to you, in compliance with the resolution of the House of Representatives, which you referred to this Department for the necessary information that its archives would furnish in relation to the call thus made upon you.

Respectfully submitted:

LEVI WOODBURY,
Secretary of the Treasury.

To the PRESIDENT *of the United States.*

A.

Felix Grundy to Levi Woodbury.

ATTORNEY GENERAL'S OFFICE, *November* 16, 1838.

SIR: I have the honor to acknowledge the receipt of yours of the 11th of October last, requesting my opinion upon various points in relation to the Smithsonian legacy. A separate answer to each of your inquiries is deemed unnecessary, as the opinion I entertain, and am about to express in general terms, will be found to cover most of them.

James Smithson, of London, on the 23d of October, 1826, executed his last will and testament, by which, upon the happening of certain contingencies, he bequeathed to the United States of America all his property, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men. The Congress of the United States, by an act passed 1st of July, 1836, accepted the bequest, and directed the President to appoint an agent to

assert and prosecute the claim, and by said act pledged the faith of the United States to apply the moneys and other funds which might be received to carry into effect the provisions of said will; and, by the fourth section of said act, it is provided, "that to the end that the claim to said bequest may be prosecuted with effect, and the necessary expenses in prosecuting the same be defrayed, the President of the United States be, and he is hereby, authorized to apply to that purpose any sum not exceeding $10,000," &c.

From these provisions it appears to me that Congress intended that there should be no diminution of the funds bequeathed for the purpose specified in said will, but that the whole, whatever they might amount to, should be applied to carry into effect the intention of the testator; and when the object of the bequest is considered, it cannot be supposed that Congress would act in any other than a liberal spirit.

My opinion, therefore, is, that the amount of the whole money and other funds received by the agent of the United States, under the act of July 1st, 1836, without reduction, constitute the Smithsonian fund, for the purposes specified in said Smithson's will; and that the whole expenses of prosecuting said claim, receiving, and transporting the same to this country, including any additional expenses which may have been incurred here, ought to be defrayed out of the appropriation made by Congress.

It appears that cash and stocks, which, when converted into money, amounted to £106,490 11*s.* 9*d.*, were decreed to the United States, as the amount of the legacy and bequest in said will. This sum, after deducting £116 2*s.* 2*d.*, the amount of costs refunded, is the amount which should be paid to the Treasurer of the United States, to be kept and disposed of according to the provisions of the act of July 1, 1836, and the sixth section of the act of July 7, 1838; and all expenses, of whatever kind or nature, should be paid out of the appropriation made by Congress.

In relation to the disposition of the other personal effects of Mr. Smithson, which have been transferred to this country by the agent of the United States, my opinion is, that Congress should direct the disposition of them.

I have the honor to be, sir, your obedient servant,

FELIX GRUNDY.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

RESIDUARY BEQUEST OF JAMES SMITHSON.

From Report of the Secretary for the year 1861.

Information has been received from London of the death, at an advanced age, of Madame de la Batut, the mother of the nephew of James Smithson, to whom an annuity was conceded as a compromise by the Hon. Richard Rush, with a view to the more expeditious realization of the Smithsonian legacy. The principal of this annuity, amounting to five thousand and fifteen pounds, (about $25,000,) will now be added to the bequest of Smithson, of which it originally formed a part.

From Proceedings of the Board of Regents, May 1, 1862.

The Secretary gave an account of the circumstances connected with the money left in England by Hon. Richard Rush, as principal of an annuity to the mother of the nephew of Smithson, and presented the following communications from Fladgate, Clarke & Finch, of London.

40 Craven Street, Strand,
London, W. C., May 16, 1861.

Sir: We had the honor, in the year 1838, of acting professionally for the President of the United States in the suit in the English court of chancery, under which the funds for the foundation of the Institution (of which we address you as manager) were decreed to be paid over to him for the purpose of establishing the Institution. We have now to make to you as the manager thereof the following communication:

On referring to the papers connected with the Institution you will find that a sum of £5,015 three per cent. consols, part of the estate of Smithson, the founder, were retained in the court of chancery to answer a claim of one Madame de la Batut. That person was, in fact, entitled to a life interest in the fund, and at her death it was to revert to the President as an additional fund for the purposes of the Institution.

Madame de la Batut is now dead, so that the fund has become transferable to the President, and it will be requi-

site for him, or some person duly authorized by him, to take the necessary steps to obtain a transfer.

We have had some communication with the solicitor of the lady's family, who writes as follows:

"My client Mr. La Batut, upon taking out administration to his late mother, Madame La Batut, to whom Lieutenant Colonel Henry Lewis Dickinson, by his will dated 17th July, 1819, gave half of the income of his property, for her life, will be entitled to an apportioned part of such income from the last payment, on the 22d March, 1858, to 10th September, in the same year, which would amount to about £70.

"The property originally consisted of French 5 per cent. rentes, payable 22d March, and 22d September, but by order of the court a sum of £5,015 three per cent. consols was invested in the name of the accountant general in this suit, to the separate account of Mary Ann de la Batut, the annuitant, to meet the payments of the life income. By the law of France, the life income is apportionable and payable up to the time of death, and Lieutenant Colonel Dickinson having been domiciled in France at the time of his death, that law will apply to this case.

"Will you be good enough, under these circumstances, to obtain the consent of your client in presenting a petition as to the £5,015 and the arrears of dividends due thereon, to ask for the payment to my client of the apportioned sum out of such arrears, without obliging him to go to the expense of proving the law of France upon this subject. I will hand you the necessary proof of death, the expense of which can be included in the necessary costs of the application."

We should recommend that the request contained in this letter be complied with.

We have the honor to be, sir, your most obedient servants,

FLADGATE, CLARKE & FINCH.

To the SMITHSONIAN INSTITUTION,
Washington, U. S.

40 CRAVEN STREET, STRAND,
London, W. C., October 26, 1861.

SIR: Your letter of the 14th August reached us in the long vacation which has just terminated, and we hasten to reply to it.

All that will be requisite to be done in the first instance is, that we should have the authority of the President of

the United States to present a petition for an order to have the fund paid to him. On our obtaining this order, a power of attorney will be sent out to the President authorizing some person here to receive from the court of chancery, and transmit to him, or to the managers of the Smithsonian Institution, the fund in question.

Having in the suit, had the honor of acting for the President, it might be within our functions to present the petition even without an express authority, but we did not deem it right to do so without some communication with the President or with the managers of the Institution.

Of course, although the order might be obtained without, the fund can only be dealt with on the signature of the President.

We have the honor to be, sir, your very obedient servants,

FLADGATE, CLARKE & FINCH.

JOSEPH HENRY, Esq.,
Smithsonian Institution, Washington.

On motion of Mr. Trumbull, it was

Resolved, That the Secretary and Executive Committee consult with the President of the United States and take such action as may be necessary for obtaining the money referred to in the communication from the solicitors in London.

From Report of the Secretary for the year 1862.

A power of attorney has been forwarded from the President of the United States to Messrs. Fladgate, Clarke & Finch, of London, authorizing them to collect the remainder of the Smithsonian fund, which was left, by the Honorable Mr. Rush, as the principal of an annuity to the mother of the nephew of Smithson. The power of attorney was forwarded to the care of Honorable Charles F. Adams, American minister to England, and the money, when collected, will be deposited with George Peabody & Co., bankers, London, subject to the order of the Institution.

From Report of the Secretary for the year 1863.

A part of the original bequest, amounting to £5,015, was left by Mr. Rush in England, as the principal of an annuity to be paid to the mother of the nephew of Smithson. The

annuitant having died, a power of attorney was sent, in November, 1862, to Messrs. Fladgate, Clarke & Finch to collect the money; but it has not yet been received. Although the whole legacy was awarded to Mr. Rush in behalf of the United States, after an amicable suit in chancery, various objections have been raised to allowing the small remainder to be sent to this country. These objections appear to be principally of a technical character, and are scarcely compatible with an equitable interpretation of the facts of the case. There should be no prejudice in England in regard to the construction placed upon the terms of the bequest and the policy which has been adopted, since one hundred and sixty-nine institutions in Great Britain and Ireland are recipients of the Smithsonian publications and specimens of natural history, and have enjoyed the advantages of its system of international exchange.

From Proceedings of the Board of Regents, January 25, 1864.

The Secretary called attention to the unexpected delays and embarrassments which had occurred in obtaining the remainder of the original bequest of Smithson left in England as the principal of an annuity to the mother of the nephew of Smithson, and read the correspondence on the subject with the attorneys, and also a letter from Hon. C. F. Adams, the American minister to England.

On motion it was

Resolved, That a committee be appointed, consisting of the Secretary, Mr. H. W. Davis, and Professor Bache, to confer with the Secretary of State and the British minister relative to the action of the English authorities in regard to the money due the Smithsonian Institution.

From Report of the Secretary for the year 1864.

It was mentioned in the last report that a part of the original bequest, amounting to £5,015, was left by Mr. Rush in England as the principal to secure an annuity payable to the mother of Smithson's nephew. The annuitant having died, a power of attorney was sent in November, 1863, to Messrs. Fladgate, Clarke & Finch, (the same firm originally employed by Mr. Rush,) to collect the money. After a considerable delay, arising principally from technical diffi-

culties, the money was obtained and deposited to the order of the Institution, with George Peabody & Co., bankers, London. It was subsequently drawn through the agency of the Secretary of the Treasury, and in accordance with the law of Congress directing that the money of the Smithsonian bequest should be invested in United States securities, it was expended in the purchase of government bonds, bearing interest at the rate of $7\frac{3}{10}$ per cent. The amount realized in bonds of this denomination, at par, was $54,150. It was at first supposed that this money, or at least the interest upon it, could immediately be applied to the uses of the Institution, but from a critical examination of the enactments of Congress in reference to the Smithsonian fund, it was found that the appropriation of the bequest by the act organizing the establishment in 1846, related only to that part of the bequest which had already been received, and made no provision for the disposition of the residuary legacy which has just become available. It can scarcely be doubted, however, but that Congress intended to appropriate the whole of the bequest to the maintenance of the establishment; still, for this purpose, a special act will be required, and it is desirable that the sum recently received be deposited in the treasury on the same condition with the amount originally obtained; that the interest alone shall be subject to expenditure. In this connection it is proper to remark that Mr. Peabody, who received the deposit of the fund, so far from claiming the usual commission, allowed four per cent. on the money while it remained in his hands.

From Proceedings of the Board of Regents, February 2, 1865.

Professor Henry presented the question as to the disposition of the residuary legacy of Smithson which had been received from England, and was now on deposit with the Treasurer of the United States.

On motion of Hon. J. W. Patterson, it was

Resolved, That the Secretary be instructed to invest the money now on deposit with the Treasurer of the United States, derived from the residuary legacy of James Smithson, in United States bonds bearing $7\frac{3}{10}$ per cent. interest.

From Report of the Secretary for the year 1865.

It has been mentioned in the two preceding reports, that a part of the original bequest had been left in England as the

principal of an annuity payable to the mother of Smithson's nephew. The annuitant having died, a power of attorney signed by Abraham Lincoln, President of the United States, was sent to Fladgate, Clarke & Finch, solicitors, in England, authorizing them to collect the money and pay it to the order of the Secretary of the Smithsonian Institution. The proceeds from this, deducting the expenses of collection, were £5,262 0*s.* 3*d.*, which were temporarily deposited with George Peabody & Co., who not only transacted the business without charge, but allowed four per cent. interest on the money while it remained in their hands. The total amount of this residuary legacy received by the Institution, including the interest, £153 19*s.* 4*d.*, was $26,210.63 in gold, which being sold at the current premium, (about 107,) yielded $54,165.38 in United States currency. This sum was invested in Government bonds, bearing interest at $7\frac{3}{10}$ per cent., and deposited for safe keeping with General Spinner, the Treasurer of the United States.

From Report of the Executive Committee for the year 1865.

It appears from the statement of the Secretary, and the accounts rendered by Riggs & Co., bankers of the Institution, that the remainder of the legacy of Smithson, which amounted to $26,210 63 in gold, was sold at a premium from 105 to 107¼ per cent., yielding, after deducting the cost of sale and United States tax, $54,165 38. This amount was expended in the purchase of United States bonds bearing $7\frac{3}{10}$ per cent. interest at par.

The following is a detailed statement of the whole transaction:

1864.		£	s.	d.
June 11.	The amount received from Fladgate, Clarke & Finch, attorneys, London, as the residuary legacy of James Smithson, was	5,262	0	3
	This amount was deposited with George Peabody & Co., bankers, London, who allowed interest on it to the 5th of March, 1865	153	19	4
		5,415	19	7

This amount was equivalent to $26,210 63 in gold, which was sold by Riggs & Co., under the direction of the Secretary of the Institution, as follows:

$10,000 00 at $207\frac{1}{4}$		$20,725 00	
15,000 00 at $206\frac{7}{8}$		31,031 25	
1,000 00 at 207		2,070 00	
210 63 at 205		431 79	
26,210 63		54,258 04	
Less brokerage, $\frac{1}{4}$	$65 53		
Less United States tax, $\frac{1}{20}$	27 13		
		92 66	
Net amount realized from sale of gold			$54,165 38
1865. February 17. United States bonds bearing $7\frac{3}{10}$ per cent. interest were purchased at par for			54,150 00
Balance, which could not be invested on account of there being no bonds for less than $50			15 38

After the Secretary had purchased these bonds and deposited them for safekeeping with the Treasurer of the United States, it was claimed by the Secretary of the Treasury that this money was *not under the control of the Regents* of the Institution, inasmuch as the original act of Congress of 1846, establishing the Institution, referred to only so much of the bequest of Smithson as was then in the Treasury of the United States, and that a special act of Congress would be required to apply this money, or the interest on it, to the uses of the Institution. The Executive Committee would therefore recommend that an application be made to Congress for such a disposition of this money.

From Proceedings of the Board of Regents, March 24, 1866.

The subject of the disposition of the money in possession of the Secretary of the Treasury, resulting from the residuary legacy of Smithson, was next considered. The Secretary suggested that so much of this sum as was received from England, independent of the premium on the coin, viz: $26,210 63, should be added to the amount originally deposited in the Treasury of the United States by Mr. Rush, making $541,379 63 as the total bequest of Smithson, and that the premium and the interest since accrued be applied to the current uses of the Institution, and to assist in defraying the cost of the restoration of the building. By this arrangement the interesting fact could be stated that, after all the Institution has done in the way of increasing and diffusing knowledge, the entire sum derived from the be-

quest of Smithson is still undiminished in the Treasury of the United States.

The Chancellor recommended that the sum thus added to the money now in the Treasury of the United States should be sufficient to make up the amount to $550,000.

On motion of Mr. Wallach, it was

Resolved, That the Secretary be directed to apply to Congress for an act by which the residuary legacy of James Smithson, now in the possession of the Secretary of the Treasury, amounting to $26,210 63, be added to the sum originally received; and that also from the income of the above-mentioned residuary legacy the further sum of $8,620 37 be added, making the total amount deposited in the Treasury of the United States $550,000 as the trust fund, the interest on which alone is to be applied to the maintenance and uses of the Institution; and further, that the Regents be authorized to apply the remainder of the income of the residuary legacy to the current expenses of the Institution and the reconstruction of the building.

From Proceedings of the Board of Regents, January 28, 1867.

On motion of Mr. Wallach, the following resolution was adopted:

Resolved, That a committee of three be appointed to present a memorial to Congress in behalf of the Board of Regents, requesting the passage of an act authorizing the Treasurer of the United States to receive into the treasury, on the same terms as the original bequest, the residuary legacy of James Smithson, now in United States bonds in the hands of said Treasurer, namely, $26,210.63, together with such other sums as the Regents may from time to time see fit to deposit, not exceeding, with the original bequest, the sum of one million dollars; and that the income which has accrued or which may accrue from said residuary legacy be applied in the same manner as the interest on the original bequest.

The Chancellor appointed Messrs. Davis, Patterson, and Garfield as the committee.

From Proceedings of the Board of Regents, February 1, 1867.

The Secretary presented the following memorial which had been offered to Congress by the special committee:

To the Honorable the Senate and House of Representatives in Congress Assembled:

The Board of Regents of the Smithsonian Institution have directed the undersigned to transmit to your honorable body the resolution herewith appended, and to solicit the passage of an act in accordance therewith.

It is known to your honorable body that the original sum received into the United States Treasury from the bequest of James Smithson, of England, was $515,167, which was considered a trust fund, the interest alone to be applied to carrying out the purpose of the testator, viz: "The increase and diffusion of knowledge among men."

This, however, was not the whole of the Smithsonian bequest, the sum of £5,015 sterling, having been left by Hon. R. Rush, the agent of the United States, as the principal of an annuity to the mother of the nephew of Smithson.

The annuitant having died, the sum of $26,210.63 has been received from this source, and is now in charge of the Secretary of the Treasury of the United States; and no provision having been made in the act of August 10, 1846, establishing the Institution, for the disposition of this remainder of the legacy, your memorialists, in behalf of the Board of Regents, now ask that it be added to the original bequest on the same terms; and that the increase which has arisen from interest or otherwise on the sum before mentioned, also in the hands of the Treasury Department of the United States, be transferred to the Board of Regents for assisting to defray the expense of the reconstruction of the building, and for other objects of the Institution.

And your memorialists would further ask that the Board of Regents be allowed to place in the Treasury of the United States, on the same terms as the original bequest, such sums of money as may accrue from savings of income and from other sources, provided the whole amount thus received into the treasury shall not exceed one million dollars.

The sole object of this request is the permanent investment and perpetual security of the entire Smithsonian bequest and such other sums as may be accumulated from savings of accrued interest, legacies, &c.

And your memorialists will ever pray, &c.

S. P. Chase,
Chancellor.
Joseph Henry,
Secretary Smithsonian Institution.

quest of Smithson is still undiminished in the Treasury of the United States.

The Chancellor recommended that the sum thus added to the money now in the Treasury of the United States should be sufficient to make up the amount to $550,000.

On motion of Mr. Wallach, it was

Resolved, That the Secretary be directed to apply to Congress for an act by which the residuary legacy of James Smithson, now in the possession of the Secretary of the Treasury, amounting to $26,210 63, be added to the sum originally received: and that also from the income of the above-mentioned residuary legacy the further sum of $8,620 37 be added, making the total amount deposited in the Treasury of the United States $550,000 as the trust fund, the interest on which alone is to be applied to the maintenance and uses of the Institution; and further, that the Regents be authorized to apply the remainder of the income of the residuary legacy to the current expenses of the Institution and the reconstruction of the building.

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The Chancellor appointed Messrs. Davis, Patterson, and Garfield as the committee.

From Proceedings of the Board of Regents, February 1, 1867.

The Secretary presented the following memorial which had been offered to Congress by the special committee:

To the Honorable the Senate and House of Representatives
in Congress Assembled:

The Board of Regents of the Smithsonian Institution have directed the undersigned to transmit to your honorable body the resolution herewith appended, and to solicit the passage of an act in accordance therewith.

It is known to your honorable body that the original sum received into the United States Treasury from the bequest of James Smithson, of England, was $515,167, which was considered a trust fund, the interest alone to be applied to carrying out the purpose of the testator, viz: "The increase and diffusion of knowledge among men."

This, however, was not the whole of the Smithsonian bequest, the sum of £5,015 sterling, having been left by Hon. R. Rush, the agent of the United States, as the principal of an annuity to the mother of the nephew of Smithson.

The annuitant having died, the sum of $26,210.63 has been received from this source, and is now in charge of the Secretary of the Treasury of the United States; and no provision having been made in the act of August 10, 1846, establishing the Institution, for the disposition of this remainder of the legacy, your memorialists, in behalf of the Board of Regents, now ask that it be added to the original bequest on the same terms; and that the increase which has arisen from interest or otherwise on the sum before mentioned, also in the hands of the Treasury Department of the United States, be transferred to the Board of Regents for assisting to defray the expense of the reconstruction of the building, and for other objects of the Institution.

And your memorialists would further ask that the Board of Regents be allowed to place in the Treasury of the United States, on the same terms as the original bequest, such sums of money as may accrue from savings of income and from other sources, provided the whole amount thus received into the treasury shall not exceed one million dollars.

The sole object of this request is the permanent investment and perpetual security of the entire Smithsonian bequest and such other sums as may be accumulated from savings of accrued interest, legacies, &c.

And your memorialists will ever pray, &c.

S. P. CHASE,
Chancellor.
JOSEPH HENRY,
Secretary Smithsonian Institution.

Resolved, by the Board of Regents of the Smithsonian Institution, That an application be made to Congress for an act authorizing the Treasurer of the United States to receive into the treasury, on the same terms as the original bequest, the residuary legacy of James Smithson, now in United States bonds in the hands of said Treasurer, namely, $26,-210.63, together with such other sums as the Regents may from time to time see fit to deposit, not exceeding, with the original bequest, the sum of $1,000,000; and that the income which has accrued or may accrue from said residuary legacy be applied in the same manner as the interest on the original bequest.

Mr. Patterson stated that in behalf of the committee he had presented the memorial to the House of Representatives, with a bill in accordance therewith, which had passed unanimously that day, and been transmitted to the Senate.

Mr. Trumbull stated that this bill had also unanimously passed the Senate, and only awaited the signature of the President to become a law.

From Proceedings of the Board of Regents, February 22, 1867.

The Secretary presented the following copy of the act of Congress relative to the increase of the trust fund, referred to at the last meeting of the Board, and a statement of what had been done in accordance with it:

AN ACT authorizing the Secretary of the Treasury to receive into the treasury the residuary legacy of James Smithson, to authorize the Regents of the Smithsonian Institution to apply the income of the said legacy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to receive into the Treasury, on the same terms as the original bequest, the residuary legacy of James Smithson, now in United States bonds in the hands of said Secretary, namely, twenty-six thousand two hundred and ten dollars and sixty-three cents, together with such other sums as the Regents may from time to time see fit to deposit, not exceeding with the original bequest the sum of one million dollars.

SEC. 2. *And be it further enacted*, That the increase which has accrued, or which may hereafter accrue, from said residuary legacy, shall be applied by the Board of Regents of the Smithsonian Institution in the same manner as the interest on the original bequest, in accordance with the provisions of the act of August tenth, eighteen hundred and forty-six, establishing said Institution.

Approved February 8, 1867.

The Secretary stated that in accordance with the directions of the Board of Regents, and the authority conferred

by the above act, he had increased the amount of the Smithsonian fund in the Treasury of the United States on the 19th of February, 1867, to $550,000, in the following manner:

The interest at $7\frac{3}{10}$ per cent., due for two years, to February 15, 1867, on the $54,150 U. S. bonds, was collected, viz:		$7,905 90
$25,400 of the Bonds were taken by the Treasury Department at 6 per cent. premium, yielding Bonds	$25,400	
Premium	1,524	
		26,924 00
Interest from 15th February to 19th, four days		20 32
Amount realized		34,850 22
Amount placed in the United States Treasury, to be added to the original trust fund, $515,169, (making it $550,000)		34,831 00
Leaving a balance in cash of		$19 22

This balance was deposited with Riggs & Co. to the credit of the Smithsonian account.

CONGRESSIONAL PROCEEDINGS.

Message from the President of the United States.

WASHINGTON, *December* 17, 1835.

To the Senate and House of Representatives of the United States:

I transmit to Congress a report from the Secretary of State, accompanying copies of certain papers* relating to a bequest to the United States, by Mr. James Smithson, of London, for the purpose of founding, at Washington, an establishment, under the name of the Smithsonian Institution, "for the increase and diffusion of knowledge among men." The Executive having no authority to take any steps for accepting the trust, and obtaining the funds, the papers are communicated with a view to such measures as Congress may deem necessary.

ANDREW JACKSON.

PROCEEDINGS IN THE SENATE.

SENATE, *December* 21, 1835.

The message was read, and ordered that it be referred to the Committee on the Judiciary, and printed.

SENATE, TUESDAY, *January* 5, 1836.

Mr. Leigh, from the Committee on the Judiciary, to whom was referred the message of the President of the United States, of the 21st ultimo, relative to the bequest of the late James Smithson, of London, made a report, accompanied by a joint resolution to authorize and enable the President to assert and prosecute with effect the claim of the United States to the legacy bequeathed to them by James Smithson, late of London, deceased, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men. The resolution was read, and passed to a second reading.

Ordered, That the report be printed.

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* For these papers see *Correspondence*.

The following is the report:

The Committee on the Judiciary, to whom was referred the message of the President of the 17th December last, transmitting to Congress a report of the Secretary of State, accompanying copies of certain papers relating to a bequest to the United States by Mr. James Smithson, of London, for the purpose of founding, at Washington, an establishment under the name of "The Smithsonian Institution, for the increase and diffusion of knowledge among men," respectfully report:

That it appears that Mr. James Smithson, late of London, deceased, by his last will and testament bequeathed the whole of his property to his bankers, Messrs. Drummonds, of Charing Cross, London, in trust, to be disposed of in the manner therein provided and directed, and desired his said executors to put his property under the management of the Court of Chancery; and then, (after bequeathing an annuity of £100 sterling to John Fitall for life,) he bequeathed and provided as follows: "To Henry James Hungerford, my nephew, I give and bequeath, for his life, the whole of the income arising from my property of every nature and kind whatever, after payment of the above annuity, and after the death of John Fitall that annuity likewise; the payments to be made to him at the time interest or dividends become due on the stocks or other property from which the income arises. Should the said Henry James Hungerford have a child or children, legitimate or illegitimate, I leave to such child or children, his or their heirs, executors, and assigns, the whole of my property of every kind, absolutely and forever, to be divided between them, if more than one, in the manner their father shall judge proper; and in case of his omitting to decide this, as the Lord Chancellor shall judge proper. Should my said nephew, Henry James Hungerford, marry, I empower him to make a jointure. *In case of the death of my said nephew without leaving a child or children, or of the death of the child or children he may have had, under the age of twenty-one years, or intestate, I then bequeath the whole of my property* (subject to the annuity of £100 to John Fitall, and for the security and payment of which I mean stock to remain in this country) *to the United States of America, to found, at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men.*"

It further appears, from a letter of Messrs. Clarke, Fynmore, and Fladgate, solicitors, to Mr. Vail, chargé d'affaires

of the United States at London, dated the 21st July last, communicated by Mr. Vail to the Secretary of State, that pursuant to the instructions contained in Mr. Smithson's will, an amicable suit was, on the death of that testator, brought in the court of chancery of England, by the legatee, Mr. Hungerford, against the Messrs. Drummonds, the executors, in which suit the assets were realized; that these were very considerable; that there is now standing in the name of the accountant general of the court of chancery, on the trusts of the will, stock amounting in value to about £100,000; that Mr. Hungerford, during his life, had received the income arising from this property; but that news had reached England that Mr. Hungerford had died abroad, leaving no child surviving him; so that the event has happened on which the executory bequest of this large property was made by the testator, Mr. Smithson, to the United States, to found, at Washington, under the name of "The Smithsonian Institution," an establishment for the increase and diffusion of knowledge among men. Messrs. Clarke, Fynmore, and Fladgate also inform Mr. Vail that it has now become necessary that measures should be taken for the purpose of getting the decision of the court of chancery as to the further disposition of the property; that it is not clearly defined in Mr. Smithson's will, to whom, on behalf of the United States, the property should be paid or transferred; and indeed there is so much doubt that they apprehend the attorney general on behalf of the crown of England must be joined in the proceedings which it may be requisite the United States should institute; that they act, in this matter, for Messrs. Drummonds, the bankers, who are mere stake-holders, and are ready to do all in their power to facilitate getting the decision of the court of chancery, and carrying the testator's intentions into effect; and that they will be happy to communicate with such professional advisers as the Government of the United States shall think fit to appoint to act for them in England. And having thus stated the nature of the business, they add, that they abstain from making any suggestion as to the party in whose name proceedings should be adopted, considering that the point should be determined by counsel in England, after the opinion of the proper law officers in the United States shall have been taken on the subject.

In a letter of Mr. Vail to the Secretary of State, of the 28th July last, communicating a copy of Mr. Smithson's will, and the letter of Messrs. Clarke, Fynmore, and Fladgate, to him, he says that that letter, and the inquiries he

has made, leave no doubt of the will of Mr. Smithson having been established, and its dispositions recognized by the court of chancery of England; that, according to the view taken of the case by the solicitors, the United States, in the event of their accepting the legacy, and the trust coupled with it, should come forward, by their representative, and make themselves parties to an amicable suit before the Lord Chancellor of England, for the purpose of legally establishing the fact of the demise of Mr. Hungerford, the legatee for life, without children and intestate, proving their claim to the benefit of the will, and obtaining a decree in chancery awarding to them the proceeds of the estate; that Messrs. Clarke, Fynmore, and Fladgate, are willing to undertake the management of the suit on the part of the United States; and that, from what he has learnt of their standing, they may safely be confided in. And Mr. Vail suggests, upon the advice of those gentlemen, a method of proceeding to assert the claim of the United States to the legacy, without further delay, in case it should be thought unnecessary to await the action of Congress to authorize the institution of the requisite legal proceedings.

The Secretary of State submitted the letter of Mr. Vail, and the papers therewith communicated, to the President, who determined to lay the subject before Congress at its next session; and of this determination the Secretary of State apprized Mr. Vail, in a letter of the 26th September last.

The President, in his message of the 17th December, transmits to Congress, all the correspondence and information relating to the subject, as the same had been reported to him by the Secretary of State; and adds, that "the Executive having no authority to take any steps for accepting the trust, and obtaining the funds, the papers are communicated with a view to such measures as Congress may deem necessary."

The committee concur in the opinion of the President, that it belongs to the Legislature to devise and prescribe the measures, if any, proper to be adopted on this occasion, and to provide for such expenses as may be incurred in the prosecution of them.

Judging from the letters of Mr. Vail to the Secretary of State, and of Messrs. Clarke, Fynmore & Fladgate to Mr. Vail, as well as from the information which the committee themselves have been able to gather, as to the course of adjudication of the court of chancery of England in such cases, the committee suppose it unquestionable, that the

executory bequest contained in Mr. Smithson's will, of his whole property to the United States, in the event that has occurred, for the purpose of founding, at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men, is, by the law of England, a valid bequest; that the United States, will be entertained in the court of chancery of England, to assert their claim to the fund, as trustees, for the purpose of founding the charitable institution at Washington to which it is destined by the donor; and that that court will decree, that the fund shall be paid and transferred to the United States, or their lawfully authorized agent, leaving it to the United States to apply the property to the foundation of the intended charity at Washington, and to provide for the due administration of the fund, so as to accomplish the purpose of the donor. The committee are sensible, however, that these are points which can only be determined and settled by the judicial authority of England.

In the opinion of the committee, the questions which it behooves Congress to consider, are, whether it is competent to the United States, whether it comports with their dignity, whether (all circumstances considered) it is expedient and proper that the United States should appear as suitors in the courts of justice of England, to assert their claim to the legacy in question, as trustees for the intended charitable institution to be founded at Washington.

It might be a question of much doubt and difficulty, whether it would be within the competency of the Government of the United States to appropriate any part of the general revenue collected from the nation at large, to the foundation and endowment of a literary or any other charitable institution in the District of Columbia. But, in the opinion of the committee, no such question is involved in the consideration of the present subject. The fund given to the United States by Mr. Smithson's will, is nowise, and never can become, part of their revenue; they cannot claim or take it for their own benefit; they can only take it as trustees, to apply to the charitable purpose for which it was intended by the donor.

The committee can see no reason to doubt, that the United States must be regarded as the *parens patriæ* of the District of Columbia; that, in that character, they have a right, and they are in duty bound, to assert a claim to any property given to them for the purpose of founding a charitable institution of any kind within the District, and to

provide for the due application and administration of such a fund when they have obtained possession of it: that the rights and duties of the United States, as *parens patriæ* of the District, in such a case, are the same, whether the charitable donation be made by the subject of a foreign nation, or by a citizen, or whether the claim to the bounty is to be asserted before a domestic court of justice, or before a foreign tribunal, which, by the comity of nations, or the laws of its own country, is bound to entertain the claim, and to adjudge the property to the United States, if they are by law entitled to it. If a foreign tribunal, decreeing such property to the United States, should think proper to impose any conditions incompatible with the constitutional powers of this Government, or with its duties or its dignity, the United States may then decline to accept the property and the trust. But no difficulty of that kind is apprehended.

The committee are also of the opinion that the United States, in prosecuting a claim to property given to them for the purpose of founding a charitable institution within the District of Columbia, and which they are entitled to claim, and take, and regulate the administration of, as the *parens patriæ* of the District, may properly appropriate, out of their general revenue, such sums as may be necessary to prosecute the claim with effect—since the United States have no other pecuniary means to defray the expenses that may be incurred in exercising their powers, or in performing their duties, as *parens patriæ* of the District, but such as are afforded by their general revenue.

Upon the whole, the committee are of opinion that it is within the competency of the Government of the United States, that it well comports with its dignity, that, indeed, it is its duty, to assert in the courts of justice of England the claim of the United States, to the legacy bequeathed to them by Mr. Smithson's will, for the purpose of founding, at Washington, under the name of "The Smithsonian Institution," an establishment for the increase and diffusion of knowledge among men; and that provision ought to be made by Congress to enable the Executive to assert and prosecute the claim with effect.

Therefore, the committee recommend the adoption of a joint resolution authorizing the President to take measures for recovering the said legacy.

SENATE, FRIDAY, *February* 5, 1836.

The resolution to authorize and enable the President to

assert and prosecute with effect the claim of the Unite States to the legacy bequeathed to them by James Smithsor was read the second time, and considered as in Committe of the Whole; and,

On motion by Mr. PRESTON,

Ordered, That it be laid on the table.

SENATE, SATURDAY, *April* 30, 1836.

On motion of Mr. PRESTON, the Senate took up the bil authorizing the President of the United States to appoin an agent or agents to prosecute and receive from the Britis Court of Chancery the legacy bequeathed to the Unite States by the late James Smithson of London, for the pur pose of establishing at Washington city an institution fo the increase of knowledge among men, to be called th Smithsonian University.

Mr. PRESTON said, that by this will it was intended tha this Government should become the beneficiaries of thi legacy, and contended that if they had not the competenc to receive it by the Constitution, the act of no individua could confer the power on them to do so. He claimed tha they had not the power to receive the money for nationa objects, and if so, the expending it for another object wa a still higher power. He controverted the position that i they could not receive it as the beneficiary legatee, the might receive it as the fiduciary agent. If they had not th power to establish an university without the power conferre on them by a grant, they could not have it with the grant or what they could not exercise directly, they could not ex ercise as trustee. He referred to a report made by Mr Adams in the House of Representatives, in which the gen ealogy of Mr. Smithson was given and traced through th line of the illustrious Percys and Seymours of England He thought this donation had been partly made with a vie to immortalize the donor, and that it was too cheap a wa of conferring immortality. There was danger of their im aginations being run away with by the associations of Chev Chase ballads, &c., and he had no idea of this District bein used as a fulcrum to raise foreigners to immortality by get ting Congress as the *parens patriæ* of the District of Colum bia to accept donations from them.

The committee had misconceived the facts; the beques was to the United States of America to found an universit in the District of Columbia, under the title of the "Smith sonian University," and the execution of the terms of th legacy was to redound to the purposes of the donation

which was for the benefit of all mankind. It was general in its terms, and not limited to the District of Columbia; it was for the benefit of the United States, and could not be received by Congress.

Mr. Leigh said, he would thank the gentleman to inform the Senate that the report he had referred to was made in the House of Representatives, and not by a committee of the Senate. The report of the Senate's committee was simply a statement of matters of fact. Mr. L. explained the provisions of the will, which were simply these: The testator, James Smithson, bequeathed to his nephew, James Henry Hungerford, a legacy of one hundred thousand pounds sterling; providing, that if Mr. Hungerford should die without children, the legacy should enure to the United States, for the purpose of founding, at the city of Washington, an institution for the increase of knowledge among men, to be called the Smithsonian University; and the Government had received information from the American consul at London, that Mr. Hungerford had lately died without ever having been married, and without leaving any children. It now became necessary, Mr. L. said, for Congress to determine whether it was competent for the United States to receive this money; and if they should receive it, to take measures for carrying the intentions of the testator into effect. The committee to whom this subject had been referred were all of opinion, with the exception of the gentleman from South Carolina, (Mr. Preston,) that it was proper for the United States to receive this money. They had not considered the question at all, whether it was in the power of Congress to establish a national university: nor was it necessary they should do so. They looked upon this bequest as having been made simply for the benefit of one of the cities of the District of Columbia, of which Congress was the constitutional guardian, and could receive and apply the money in that form. Congress was the *parens patriæ* of the District of Columbia, in the sense laid down by Blackstone; a power which necessarily belonged to every government, and could therefore very properly receive this trust for a charitable purpose in the District of Columbia. Congress had in fact exercised this power of *parens patriæ* of the District in the establishment of an orphans' court, in the erection and support of a penitentiary, and could create an establishment to take care of lunatics; and indeed, if it did not possess this power, in what a deplorable condition would this District be. The States of Maryland and Virginia undoubtedly possessed

this power, and of course Congress derived it as to the District from their deeds of cession. He did not look upon this legacy to be for the benefit of the United States, but for the benefit of one of the cities of the District, over which Congress was guardian, and he had therefore no difficulty in voting for the bill.

Mr. PRESTON was aware of the decision of the Supreme Court cited by the Senator from Virginia, (Mr. Leigh,) that the people of this District might be taxed without representation, and he had no doubt that these corporations could exercise a trust—but this was not a trust to the city of Washington. The United States was the *cestui qui trust*, and not the city of Washington. The corporation of the city of Washington could not enforce this claim in a court of chancery in England. If an institution of the kind was desired, he would prefer it to be established out of our own funds, and not have Congress pander to the paltry vanity of an individual. If they accepted this donation, every whippersnapper vagabond that had been traducing our country might think proper to have his name distinguished in the same way. It was not consistent with the dignity of the country to accept even the grant of a man of noble birth or lineage.

Mr. CLAYTON said the Senator from South Carolina (Mr. Calhoun) had considered this as a donation to the United States. It was not so. The United States was merely named in the will as the trustee, and was to receive no benefit whatever. It was merely a charitable object to establish an university in the District of Columbia. They had established similar institutions within the District of Columbia, by acts of Congress, and no one doubted the power to permit persons from other places to be educated in them.

Mr. CALHOUN said if his memory served him, there was opposition made to the passage of those acts.

Mr. CLAYTON said he believed there was some objection made to the policy, but not to the power of making the donation. It was to be located in the city of Washington, and persons in the city would be more benefited by it than any others.

Mr. CALHOUN was of opinion that this donation was made expressly to the United States. By reading the terms in which the bequest was made, it was impossible to conceive otherwise. The bequest was "to the United States of America, for the purpose of establishing, *at the city of Washington*, an institution for the increase of knowledge

among men." Now, take out the words the "city of Washington," and the donation was clearly to the United States. The words, "the city of Washington," were only used to designate the place where the university was to be established, and not by any stretch of the meaning of language to be considered as making the donation to the city. He understood the Senators on all hands, to agree that it was not in the power of Congress to establish a national university, and they all agreed that they could establish a university in the District of Columbia. Now, on this principle, they could not receive the bequest, for the District of Columbia was not even named in it; the city of Washington being only designated as the place where the university was to be established, and the bequest being expressly made to the United States. He thought, that acting under this legacy, would be as much the establishment of a national university, as if they appropriated money for the purpose; and he would indeed much rather appropriate the money, for he thought it was beneath the dignity of the United States to receive presents of this kind from any one. He could never pass through the rotunda of the Capitol, without having his feelings outraged by seeing that statue of Mr. Jefferson which had been placed there contrary to their consent.

Mr. SOUTHARD said that the Senator from South Carolina was mistaken in saying that every Senator agreed that it was not in the power of Congress to establish a national university. He, for one, believed that Congress had the unquestionable right to do so. This, however, did not involve the constitutionality of the question before them, as, in his opinion, the most rigid construction of the constitution would not be adverse to the bill. Congress had the same right to establish this university, as they had to charter a college in Georgetown or Alexandria.

Mr. BUCHANAN believed that Congress had the power to receive and apply this money to the purposes intended by the testator, without involving the question whether they had the power to establish a national university or not. There was no question but that James Smithson, in his lifetime, had a right to establish a university at the city of Washington, and call it the Smithsonian University; or a national university, if he pleased; and Congress, by receiving and applying this bequest, would only act as the trustee of the city of Washington, for whose benefit it was made.

Mr. WALKER would not discuss the question whether this was a national university, because he believed that question

was not involved. But he should vote for the bill on the ground that Congress would be doing manifest injustice to the citizens of the city of Washington by refusing to accept the donation. It was true that it operated for the benefit of all mankind, but not more so than a university established at Princeton or any other place. The Senator from South Carolina, (Mr. Calhoun,) had said they ought to read the will as if the words "at Washington" were left out. He, Mr. W., did not think so; they ought to read it just as it was in connection with the whole, and give it its true construction, which was that the United States was only designated as the trustee, and the people of the city of Washington had a right to call upon Congress as the representatives of the United States to execute the trust.

Mr. DAVIS said this man Smithson, it was said, had devised one hundred thousand pounds sterling for the establishment of a university in the city of Washington to diffuse knowledge among men. It seemed to be taken for granted that it was for the establishment of a university, although he believed the word university was not to be found in the will. He could not infer why it was so construed, as there were other means of diffusing knowledge among men besides doing it through the medium of universities, and he therefore thought the discussion as to the particular design of the gift premature. He did not regard it as a gift or bequest to the Government. If he did, he would have all the feelings evinced by the Senator from South Carolina, (Mr. Preston.) The testator had not specified what special purpose it was to be applied to, nor when the fund was to be used, and Congress might defer using it until it became large enough to be used advantageously to the purposes of diffusing knowledge among mankind. If they denied the right to establish a university, they denied the right to establish all institutions of charity. The same question involved in this, was also involved in the incorporation of institutions which had been incorporated by them in this District. The only question now under consideration was, whether they should receive this money. He would vote for it, and if they could not devise some appropriate disposition of it after it was received, he would be willing to send it back by the first return packet.

Mr. CALHOUN asked the Senator from Massachusetts (Mr. Davis) what construction he would put upon the will if the words "at Washington" had been left out of it.

Mr. DAVIS replied, that he would put the same construction on it then as he did now. His first inquiry would be

whether it was for a charitable purpose; and if there was no power to establish the institution in any of the States, he would establish it in the District of Columbia, and if the power to establish it there was doubted, he would establish it in one of the Territories. He deemed the establishment of institutions for the diffusion of knowledge a vital principle of a republican government. They might as well say that delivering lectures in any of the sciences was a national institution, as to call this, one.

Mr. PRESTON said, the declaration of the Senator from New Jersey (Mr. Southard) had satisfied him that this was a national university. There was no difference between a university in the District of Columbia for the benefit of all mankind and a national university. That Senator had not distinguished between the power of erecting buildings and the use to which they are appropriated. They had the power to erect buildings *in loco parentis patriæ* for the benefit of the District of Columbia; they might erect buildings for the maintenance of paupers of the District, but if the people of the District, in this case, were to have any benefit peculiar to the place, it was in the erection of the buildings alone. He asked if the buildings of the Post Office Department were erected by Congress as the *parens patriæ* of the District of Columbia? Had they the right as *parens patriæ* of the District of Columbia, to erect this building for the benefit *humani generis* of this District, when it was in fact a general charity to mankind, including the confederacy, and not confined to the District of Columbia? He was against the power, and would be against the policy, if they had the power.

After some further remarks from Messrs. LEIGH and PRESTON, the question was taken on ordering the bill to be engrossed for a third reading, and decided in the affirmative—yeas 31, nays 7, as follows:

YEAS—Messrs. Benton, Black, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsboro, Grundy, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, Linn, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Rives, Robbins, Southard, Swift, Tallmadge, Tomlinson, Walker—31.

NAYS—Messrs. Calhoun, Ewing of Illinois, Hill, King of Georgia, Preston, Robinson, White—7.

SENATE, MONDAY, *May* 2, 1836.

The resolution to authorize and enable the President to assert and prosecute with effect the claim of the United States to the legacy bequeathed to them by James Smithson,

having been reported by the committee correctly engrossed, was read a third time.

Resolved, That this resolution pass, and that the title thereof be as aforesaid.

Ordered, That the secretary requests the concurrence of the House of Representatives therein.

SENATE, SATURDAY, *June* 25, 1836.

A message from the House of Representatives, by Mr. Franklin, their clerk:

Mr. President: The House of Representatives have passed the resolution from the Senate (No. 4) "to authorize and enable the President to assert and prosecute with effect the claim of the United States to the legacy bequeathed to them by James Smithson, late of London, deceased, to found, at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men," with amendments.

The Senate proceeded to consider the amendments of the House of Representatives to the resolution (No. 4); and

Resolved, That they concur therein.

SENATE, TUESDAY, *June* 28, 1836.

Mr. Niles reported from the committee that they had examined and found [the above bill] duly enrolled.

SENATE, SATURDAY, *July* 2, 1836.

A message from the President of the United States, by Mr. Donelson, his secretary, that he had duly approved and signed, the 1st of July, 1836, the above act.

AN ACT to authorize and enable the President to assert and prosecute with effect the claim of the United States to the legacy bequeathed to them by James Smithson, late of London, deceased, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to constitute and appoint an agent or agents, to assert and prosecute for and in behalf of the United States, and in their name or otherwise, as may be advisable, in the Court of Chancery, or other proper tribunal of England, the right of the United States to the legacy bequeathed to them by the last will and testament of James Smithson, late of London, deceased, for the purpose of founding at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men; and to empower such agent or agents so appointed to receive and grant acquittances for all such sum or sums of money, or other funds, as may or shall be decreed or adjudged to the United States, for, or on account, of said legacy.

SEC. 2. *And be it further enacted*, That the said agent or agents shall,

before receiving any part of said legacy, give a bond or bonds, in the penal sum of five hundred thousand dollars, to the Treasurer of the United States, and his successors in office, with good and sufficient securities to the satisfaction of the Secretary of the Treasury, for the faithful performance of the duties of the said agency, and for the faithful remittance to the Treasurer of the United States of all and every sum or sums of money, or other funds, which he or they may receive, for payment in whole or in part of the said legacy. And the Treasurer of the United States is hereby authorized and required to keep safely all sums of money or other funds which may be received by him in virtue of the said bequest, and to account therefor separately from all other accounts of his office, and subject to such further disposal thereof as may be hereafter provided by Congress.

SEC. 3. *And be it further enacted*, That any and all sums of money, and other funds, which shall be received for or on account of the said legacy, shall be applied in such manner as Congress may hereafter direct, to the purpose of founding and endowing at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men; to which application of the said moneys and other funds, the faith of the United States is hereby pledged.

SEC. 4. *And be it further enacted*, That, to the end that the claim to the said bequest may be prosecuted with effect, and the necessary expenses in prosecuting the same be defrayed, the President of the United States be, and he is hereby, authorized to apply to that purpose any sum not exceeding ten thousand dollars, out of any moneys in the Treasury not otherwise appropriated.

Approved, 1st of July, 1836.

PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES, *December* 21, 1835.

A message, in writing, was received from the President of the United States, by Mr. Donelson, his private secretary, which was read. (See *ante.*)

Ordered, That the said message be referred to a select committee, and Mr. John Quincy Adams, Mr. Thomas, Mr. Garland of Virginia, Mr. Pearce of Rhode Island, Mr. Speight, Mr. McKennan, Mr. Hannegan, Mr. Garland of Louisiana, and Mr. Chapin, were appointed said committee.

HOUSE OF REPRESENTATIVES, *January* 19, 1836.

Mr. JOHN QUINCY ADAMS, from the committee appointed on the message of the President of the United States, of the 17th of December ultimo, and which was laid before the House on the 21st, communicating information in relation to a bequest made by James Smithson, late of London, in the Kingdom of Great Britain, deceased, to the United States, for the purpose of establishing a seminary of learning, reported, (by leave,) a bill (No. 187) to authorize the President of the United States to assert and prosecute with effect the right of the United States to the bequest of James

Smithson, late of London, deceased, to found, at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men, accompanied by a report in writing; which bill was read the first and second time, and committed to the Committee of the Whole House on the state of the Union.

The following is the report:

The Select Committee, to which was referred the message of the President of the United States, of the 17th of December last, with documents relating to the bequest of James Smithson, of London, to the United States of America, for the purpose of founding at Washington, an establishment under the name of the Smithsonian Institution, for the increase and diffusion of knowledge among men, respectfully report:

That, from the papers transmitted to Congress with the message of the President, it appears, that James Smithson, a foreigner, of noble family and of affluent fortune, did, by his last will and testament, made in the year 1826, bequeath under certain contingencies, which have since been realized, and with certain exceptions, for which provision was made by the same will, the whole of his property, of an amount exceeding four hundred thousand dollars, to the United States of America, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men.

To the acceptance of this bequest, and to the assumption and fulfilment of the high and honorable duties involved in the performance of the trust committed with it, the Congress of the United States, in their legislative capacity, are alone competent. Your committee believe, not only that they are thus competent, but that it is enjoined upon them, by considerations of the most imperious and indispensable obligation. The first steps necessary to be taken for carrying into effect the benevolent intentions of the testator, must be to obtain the possession of the funds, now held by the Messrs. Drummonds, bankers in London, executors of Mr. Smithson's will, and subject to the superintendence, custody and adjudication of the Lord Chancellor of England. To enable the President of the United States to effect this object, the committee report herewith a bill.

But your committee think they would imperfectly discharge their duty to this House, to their country, to the world of mankind, or to the donor of this most munificent

bequest, were they to withhold a few brief reflections, which have occurred to them in the consideration of the subject referred to them by the House. Reflections arising from the condition of the testator, from the nature of the bequest and from the character of the trustee to whom this great and solemn charge has been confided.

The testator, James Smithson, a subject of Great Britain, declares himself, in the caption of the will, a descendent in blood from the Percys and the Seymours, two of the most illustrious *historical* names of the British islands. Nearly two centuries since, in 1660, the ancestor of his own name, Hugh Smithson, immediately after the restoration of the royal family of the Stuarts, received from Charles the Second, as a reward for his eminent services to that house during the civil wars, the dignity of a Baronet of England, a dignity still held by the Dukes of Northumberland, as descendents from the same Hugh Smithson. The father of the testator, by his marriage with the Lady Elizabeth Seymour, who was descended by a female line from the ancient Percys, and by the subsequent creation of George the Third, in 1766, became the first Duke of Northumberland. His son and successor, the brother of the testator, was known in the history of our revolutionary war by the name of Lord Percy; was present, as a British officer, at the sanguinary opening scene of our revolutionary war, at Lexington, and at the battle of Bunker's hill; and was the bearer to the British Government of the despatches from the commander-in-chief of the royal forces, announcing the event of that memorable day; and the present Duke of Northumberland, the testator's nephew, was the ambassador extraordinary of Great Britain, sent to assist at the coronation of the late King of France, Charles the Tenth, a few months only before the date of this bequest from his relative to the United States of America.

The suggestions which present themselves to the mind, by the association of these historical recollections, with the condition of the testator, derive additional interest from the nature of the bequest; the devotion of a large estate to an institution for the increase and diffusion of knowledge among men.

Of all the foundations of establishments for pious or charitable uses, which ever signalized the spirit of the age, or the comprehensive beneficence of the founder, none can be named more deserving of the approbation of mankind than this. Should it be faithfully carried into effect, with an earnestness and sagacity of application, and a steady

perseverance of pursuit, proportioned to the means furnished by the will of the founder, and to the greatness and simplicity of his design as by himself declared, "the increase and diffusion of knowledge among men," it is no extravagance of anticipation to declare, that his name will be hereafter enrolled among the eminent benefactors of mankind.

The attainment of knowledge, is the high and exclusive attribute of man, among the numberless myriads of animated beings inhabitants of the terrestrial globe. On him alone is bestowed, by the bounty of the Creator of the universe, the power and the capacity of acquiring knowledge. Knowledge is the attribute of his nature, which at once enables him to improve his condition upon earth, and to prepare him for the enjoyment of a happier existence hereafter. It is by this attribute that man discovers his own nature as the link between earth and heaven; as the partaker of an immortal spirit; as created for a higher and more durable end, than the countless tribes of beings which people the earth, the ocean, and the air, alternately instinct with life, and melting into vapour, or mouldering into dust.

To furnish the means of acquiring knowledge is, therefore, the greatest benefit that can be conferred upon mankind. It prolongs life itself, and enlarges the sphere of existence. The earth was given to man for cultivation, to the improvement of his own condition. Whoever increases his knowledge, multiplies the uses to which he is enabled to turn the gift of his Creator to his own benefit, and partakes in some degree of that goodness which is the highest attribute of Omnipotence itself.

If, then, the Smithsonian Institution, under the smile of an approving Providence, and by the faithful and permanent application of the means furnished by its founder, to the purpose for which he has bestowed them, should prove effective to their promotion; if they should contribute essentially to the *increase and diffusion of knowledge among men*, to what higher or nobler object could this generous and splendid donation have been devoted?

The father of the testator, upon forming his alliance with the heiress of the family of the Percys, assumed, by an act of the British Parliament, that name, and under it became Duke of Northumberland. But, renowned as is the name of Percy in the historical annals of England, resounding as it does from the summit of the Cheviot hills, to the ears of our children, in the ballad of Chevy Chase, with the classical commentary of Addison; freshened and renovated in our memory as it has recently been from the purest fountain

of poetical inspiration, in the loftier strain of Alnwick Castle, tuned by a bard of our own native land;* doubly immortalized as it is in the deathless dramas of Shakespear; "confident against the world in arms," as it may have been in ages long past, and may still be in the virtues of its present possessors by inheritance; let the trust of James Smithson to the United States of America, be faithfully executed by their Representatives in Congress; let the result accomplish his object, "the increase and diffusion of knowledge among men," and a wreath of more unfading verdure shall entwine itself in the lapse of future ages around the name of Smithson, than the united hands of tradition, history, and poetry, have braided around the name of Percy, through the long perspective in ages past of a thousand years.

It is then a high and solemn trust which the testator has committed to the United States of America, and its execution devolves upon their Representatives in Congress, duties of no ordinary importance. The location of the Institution at Washington, prescribed by the testator, gives to Congress the free exercise of all the powers relating to this subject with which they are, by the Constitution, invested as the local Legislature for the District of Columbia. In adverting to the character of the trustee selected by the testator for the fulfilment of his intentions, your committee deem it no indulgence of unreasonable pride to mark it as a signal manifestation of the moral effect of our political institutions, upon the opinions, and upon the consequent action of the wise and the good of other regions, and of distant climes; even upon that nation from whom we generally boast of our descent, but whom from the period of our revolution we have had too often reason to consider as a jealous and envious rival. How different are the sensations which should swell in our bosoms with the acceptance of this bequest! James Smithson, an Englishman, in the exercise of his rights as a free-born Briton, desirous of dedicating his ample fortune to the increase and diffusion of knowledge among men, constitutes for his trustees, to accomplish that object, the United States of America, and fixes upon their seat of Government as the spot where the Institution, of which he is the founder, shall be located.

The revolution, which resulted in the independence of these United States, was commenced, conducted, and consummated under a mere union of confederated States. Sub-

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* Fitz-Greene Halleck.

sequently to that period, a more perfect union was formed, combining in one system the principle of confederate sovereignties with that of a Government by popular representation, with legislative, executive, and judicial powers, all limited, but co-extensive with the whole confederation.

Under this Government, a new experiment in the history of mankind is now drawing to the close of half a century, during which the territory and number of States in the Union have nearly doubled, while their population, wealth, and power have been multiplied more than fourfold. In the process of this experiment, they have gone through the vicissitudes of peace and war, amidst bitter and ardent party collisions, and the unceasing changes of popular elections to the legislative and executive offices, both of the general confederacy and of the separate States, without a single execution for treason, or a single proscription for a political offence. The whole Government, under the continual superintendence of the whole people, has been holding a steady course of prosperity, unexampled in the cotemporary history of other nations, not less than in the annals of ages past. During this period, our country has been freely visited by observers from other lands, and often in no friendly spirit by travellers from the native land of Mr. Smithson. Their reports of the prevailing manners, opinions and social intercourse of the people of this Union, have exhibited no flattering or complacent pictures. All the infirmities and vices of our civil and political condition have been conned and noted, and displayed with no forbearance of severe satirical comment to set them off; yet, after all this, a British subject, of noble birth and ample fortune, desiring to bequeath his whole estate to the purpose of increasing and diffusing knowledge throughout the whole community of civilized man, selects for the depositaries of his trust, with confidence unqualified with reserve, the Congress of the United States of America.

In the commission of every trust, there is an implied tribute of the soul to the integrity and intelligence of the trustee; and there is also an implied call for the faithful exercise of those properties to the fulfilment of the purpose of the trust. The tribute and the call acquire additional force and energy, when the trust is committed for performance after the decease of him by whom it is granted, when he no longer exists to witness or to constrain the effective fulfilment of his design. The magnitude of the trust, and the extent of confidence bestowed in the commital of it, do but enlarge and aggravate the pressure of the obligation

which it carries with it. The weight of duty imposed is proportioned to the honor conferred by confidence without reserve. Your committee are fully persuaded, therefore, that, with a grateful sense of the honor conferred by the testator, upon the political institutions of this Union, the Congress of the United States, in accepting the bequest, will feel, in all its power and plenitude, the obligation of responding to the confidence reposed by him, with all the fidelity, disinterestedness, and perseverance of exertion, which may carry into effective execution the noble purpose of an endowment for the increase and diffusion of knowledge among men.

A motion was made by Mr. CHAPIN, that five thousand additional copies be printed of the message of the President, and the papers which accompanied the same, in relation to the bequest of James Smithson, together with the report and bill this day submitted by Mr. John Quincy Adams, from the committee to which the same was referred; which motion was laid on the table one day under the rule.

HOUSE OF REPRESENTATIVES, WEDNESDAY, *January* 20, 1836.

Mr. CHAPIN moved to consider the motion, which he submitted yesterday, for printing 5000 copies of the report submitted yesterday by Mr. Adams from a select committee, together with the President's Message, correspondence and will, relating to the bequest of James Smithson, late of London, deceased.

Objection being made,

Mr. MANN, of New York, said the report was in reference to a subject of considerable interest, not only to the House, but to the country generally. As the report was in the hands of the printer, it was proper that, if an extra number of copies was ordered, it should be done at this time. He moved to suspend the rule, for the purpose of entertaining the motion to print, which was agreed to—ayes 107, noes 46.

Mr. HOWARD desired to know from some member of the Committee the purport of the report, and what disposition was proposed to be made of the bequest. He was entirely ignorant on the subject.

Mr. CHAPIN of New York, said he would, as a member of the committee to which the subject of the Smithsonian bequest had been referred, answer the inquiry of the honorable gentleman from Maryland (Mr. Howard.) It was not proposed either by the report or bill which the honorable chairman of the select committee (Mr. Adams) had sub-

mitted, to indicate the plan or organization of the institution to be founded. At present, it would be entirely premature to do so, because the first step was to obtain the funds, leaving the application of them to future legislation. The bill provides that the President of the United States shall appoint an agent to prosecute the claim in the Court of Chancery in England, where the funds are locked up in behalf of the United States, and on the receipt of them, to give the proper discharge or acquittance for the same.

Sir, the bequest of James Smithson, amounting to nearly half a million of dollars, is among the most liberal benefactions upon record. Coming, too, as it does, from a citizen of Great Britain, who is not known to have visited the United States, or to have had any friends residing here, it may be regarded as a distinguished tribute of respect paid by a foreigner and stranger to the free institutions of our country. It is due to the memory and character of the donor, that suitable *publicity* should be given to this noble and generous act of public munificence; it is due, also, as the acknowledgment of the grateful sense of Congress, in behalf of the people of the United States, for whose benefit the bequest was made; and it is in an especial manner necessary, in order to call the attention of men distinguished for learning and talents in all parts of the Union to the subject, for the purpose of obtaining an expression of their views and opinions in regard to the plan and organization of the institution proposed to be established. This splendid benefaction confers immortality upon the individual by whom it was bestowed, and does honor to the age in which we live.

Mr. C. concluded by expressing the hope, that the motion to print would be adopted by the House, without a dissenting voice.

Mr. PARKER said the House had not entirely got out of a debate which had arisen upon a bill which was intended to provide for their own pay, in reference to the alleged excessive expenditures of the contingent fund of the House, for the item of printing. A great deal of complaint was made on the occasion alluded to, because of the number of President's Messages ordered to be printed by the House. He was so case-hardened, that he would upon a like occasion, do the same thing again. He was, however, not prepared to vote for the proposition before the House. The report was doubtless an able one, but he could see no reason why five times the number which were necessary for the information of the House should be printed. It would be recollected that a report had been made in the Senate on this

subject, which had been published in all the newspapers he had seen. They would not be called upon to make any disposition of these funds, because they had not yet received them; and if they ever did, it would perhaps be fifteen or twenty years first. Upon the whole, he did not consider it at all important that an extra number of this report should be published.

The motion to print 5,000 extra copies of the report was then agreed to.

HOUSE OF REPRESENTATIVES, *May* 4, 1836.

A message from the Senate, by Mr. Lowrie, their secretary, that the Senate had passed the following resolution:

No. 4. Resolution to authorize and to enable the President to assert and prosecute with effect the claim of the United States to the legacy bequeathed to them by James Smithson, late of London, deceased, to found, at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men.

HOUSE OF REPRESENTATIVES, *May* 10, 1836.

The resolution (No. 4) from the Senate was read the first and second time, and committed to the Committee of the Whole House on the state of the Union.

A motion was made by Mr. ADAMS, that the rule be suspended to enable him to make a motion that said resolution be the special order of the day on Tuesday, the 17th instant, from eleven o'clock a. m. to one p. m.; which motion to suspend was disagreed to by the House.

HOUSE OF REPRESENTATIVES, *June* 25, 1836.

In Committee of the Whole, Senate resolution No. 4 was considered and amended.

The amendments made in Committee of the Whole, one of which amendments changes the Senate resolution into the form of a bill to authorize the President of the United States to assert and prosecute the right of the United States to the legacy of James Smithson, late of London, were reported to the House, and were concurred in.

The bill was ordered to be engrossed, and was then read a third time and passed.

SEPTEMBER, 1837.

The sum of $10,000 having proved insufficient, the Secretary of State asks an additional appropriation by Congress:

John Forsyth to C. C. Cambreleng.

DEPARTMENT OF STATE,
WASHINGTON, *September* 14, 1837.

SIR: It will be seen by the annexed statement, that of the appropriation made in the year 1836, to prosecute the claim of the United States to the legacy bequeathed by James Smithson, of London, there remained unexpended, on the 31st day of July last, but $4,000. As that sum will not, probably, be sufficient to meet the necessary expenditures until an appropriation could be made at the next session of Congress, and placed in London, I have the honor to submit to the Committee of Ways and Means the necessity of providing for them, by an appropriation, at this session.

I have the honor to be, sir, your obedient servant,

JOHN FORSYTH.

HON. C. C. CAMBRELENG,
Chairman of the Committee of Ways and Means,
House of Representatives.

STATEMENT OF THE SMITHSONIAN FUND.

Amount of appropriation made in 1836		$10,000
Mr. Rush's account for salary for one year, to the 31st of July, 1837	$3,000	
Mr. Rush's account for incidental and contingent expenses for the same period	2,000	
Amount of solicitor's bill, £200 4s., say	1,000	
		6,000
Amount remaining of the appropriation of 1836		$4,000

[Same to the Hon. SILAS WRIGHT, Chairman of the Committee on Finance, Senate.]

John Forsyth to C. C. Cambreleng.

DEPARTMENT OF STATE,
WASHINGTON, *September* 19, 1837.

SIR: I have the honor to enclose a letter received at this Department from Mr. Richard Rush, agent of the United States in London, for the prosecution of their claim to the property bequeathed by the late James Smithson, together with the bill of Messrs. Clark, Fynmore, and Fladgate, solicitors, paid by him.

I also enclose a letter from Mr. Daniel Brent, consul of the United States at Paris, in relation to payments made by him in endeavoring to secure property supposed by him to constitute a part of that bequeathed by Mr. Smithson, with a copy of Mr. Rush's answer to his application for reimbursement. I would suggest ten thousand dollars as the amount necessary to be appropriated for the continuation of the prosecution of the claim of the United States, and that it is of urgent necessity that it be made at this session, in order that funds may be transmitted to the bankers of the United States in London, to meet the drafts that may necessarily be made upon them for the expenses to be incurred therein. * * * * *

I have to request that the papers enclosed may be shown to the chairman of the Committee on Finance of the Senate, and that they may be returned to this Department.

I have the honor to be, sir, your obedient servant,

JOHN FORSYTH.

Hon. C. C. CAMBRELENG,
Chairman of the Committee of Ways and Means,
House of Representatives.

OCTOBER, 1837.

An additional appropriation of five thousand dollars was passed by Congress to defray expenses, as follows:

AN ACT making further appropriations for the year 1837:

For defraying the expenses attending the prosecution of the claim of the United States to the legacy bequeathed by the late James Smithson, of London, five thousand dollars.

APPROVED, *October* 16, 1837.

JULY, 1838.

The following section providing for the investment of the Smithsonian fund was passed:

AN ACT to provide for the support of the Military Academy of the United States for the year 1838 and for other purposes.

SEC. 6. *And be it further enacted*, That all the money arising from the bequest of the late James Smithson, of London, for the purpose of founding at Washington, in this District, an institution to be denominated the Smithsonian Institution, which may be paid into the Treasury, is hereby appropriated, and shall be invested by the Secretary of the Treasury, with the approbation of the President of United States, in stocks of States, bearing interest at the rate of not less than five per centum per annum, which said stocks shall be held by the said Secretary in trust for the uses specified in the last will and testament of said Smithson, until provision is made by law for carrying the purpose of said bequest into effect; and that the annual interest accruing on the stock aforesaid, shall be in like manner invested for the benefit of said institution.

APPROVED, *July* 7, 1838.

PROCEEDINGS IN THE SENATE.

SENATE, *December* 10, 1838.

Message from the President of the United States.

WASHINGTON, *December* 6, 1838.

To the Senate and House of Representatives of the United States:

The act of the 1st July, 1836, to enable the Executive to assert and prosecute with effect the claim of the United States to the legacy bequeathed to them by James Smithson, late of London, having received its entire execution, and the amount recovered and paid into the Treasury having, agreeably to an act of the last session, been invested in State stocks, I deem it proper to invite the attention of Congress to the obligation now devolving upon the United States to fulfill the object of the bequest. In order to obtain such information as might serve to facilitate its attainment, the Secretary of State was directed, in July last, to apply to persons versed in science, and familiar with the subject of public education, for their views as to the mode of disposing of the fund best calculated to meet the intentions of the testator, and prove most beneficial to mankind. Copies of the circular letter written in compliance with these directions, and of the answers to it received at the Department of State, are herewith communicated, for the consideration of Congress.*

M. VAN BUREN.

Ordered to be printed with the accompanying documents.

SENATE, *January* 10, 1839.

Mr. ROBBINS offered the following resolution (S. 7) which was read:

Resolved, By the Senate, (the House of Representatives concurring,) that a joint committee be appointed, consisting of seven members of the Senate, and such a number of said House as they shall appoint, to consider the expediency of providing an institution of learning, to be established in the city of Washington, for the application of the legacy bequeathed by Mr. James Smithson, of London, to the United States in trust for that purpose; also, to consider the expediency of a charter for such an institution; together with the powers and privileges, which, in their opinion, the said charter ought to confer; also, to consider the expediency of ways and means to be provided by Congress, other than said legacy, but in addition thereto, and in aid of said benevolent intention; and to report by bill or bills, or otherwise.

Mr. ROBBINS made the following remarks:

The motive to this noble legacy was, as the will expresses it, "The *increase* and *diffusion* of *knowledge among men.*"

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* These communications appear elsewhere.

Noble, indeed, it was in every point of view; noble as coming from a stranger, with whom this country had no personal relations; speaking at once his high sense of our merit, while it proclaimed his own; noble in amount, and may be made effective to its beneficent purpose; but, above all, noble for its destination—"the *increase* and *diffusion* of *knowledge* among *men;*" leaving it to the wisdom of Congress to devise and provide the institution that should be most effective to this end. It ought to be an institution, whose effects upon the country will make it a living monument to the honor of the illustrious donor in all time to come. Such an institution, I conceive, may be devised: of which, however, at present there is no model either in this country or in Europe; giving such a course of education and discipline as would give to the faculties of the human mind, an improvement and power far beyond what they obtain by the ordinary systems of education, and far beyond what they afterwards attain in any of the professional pursuits. Such an institution, as to its principle, suggested itself to the sagacious and far-seeing mind of Bacon, as one of the greatest importance. But while his other suggestions have been followed out with such wonderful success in extending the boundaries of physical science, this has been overlooked and neglected. One reason is, that the other suggestions were more elaborately explained by him; there, too, he not only pointed out the path, but he led the way in it himself. Besides, those other suggestions could be carried out by individual exertion and enterprise, independently of the existing establishments of learning; or they could be grafted on, and made a part of, those establishments. But this required an original plan of education, and a new foundation for its execution; where the young mind would be trained by a course of education and discipline that would unfold and perfect all his faculties; where genius would plume his young wings, and prepare himself to take the noblest flights. The idea, however, was not entirely original with Bacon; for it would be in effect but the revival of that system of education and discipline which produced such wonderful improvement and power of the human mind in Greece and Rome, and especially in Greece. Its effects here, I am persuaded, would be many and glorious. Of these I shall now indicate only one; but that one whose importance all must admit. In its progress and ultimately it would give to our country, I have no doubt, a national literature of a high and immortal character. However mortifying to our national pride it is to say it, it must be confessed that we have not a national literature of that

character; nor is it possible we ever should have, as it appears to me, on our present systems of education. Not that our literature, such as it is, is inferior to that of other nations produced at the present day. No; mediocrity is the character of all literary works of the present day, go where you will. It is so in England, it is so in France, the two most literary nations of Europe. It is true, learned men and great scholars are every where to be found, indeed, they may be said to abound more than ever; the whole world, too, has become a reading world; the growth of the press is prodigious; but it is all ephemeral and evanescent—all destined to the grave of oblivion. Nor is it that our countrymen have not the gift of genius for literary works of that high and immortal character. Probably no people were ever blessed with it in a greater degree—of which every where we see the indications and the evidence; but what signifies genius for an art without discipline, without knowledge of its principles, and skill in that art?

> "Vis consili expers, mole ruit sua;
> Vim temperatam, Dii quoque provehunt,
> In majus."

Literature is now everywhere mediocre—because the arts of literature are nowhere cultivated, but everywhere neglected—and apparently despised. I recollect to have seen in a late and leading periodical of Great Britain, an article in which the writer congratulates the age upon having thrown off the shackles of composition; and says (in a tone of triumph) that no one now thinks of writing like Junius, (as if it was an easy matter, but beneath him, to write like Junius,) except, he adds, some junior sophister in the country, corresponding with the editor of some village newspaper. The whole tribe of present writers seem, by their silence, to receive this description as eulogy—as a tribute of praise properly paid to their merit; while in truth it is the characteristic of a barbarous age, or of one declining to barbarism; it is the very description applied to mark the decline and last glimmering of letters in Greece and Rome.

The object of education is two-fold—knowledge and ability; both are important, but ability by far the most so. Knowledge is so far important as it is subsidiary to the acquiring of ability; and no further; except as a source of mental pleasure to the individual. It is ability that makes itself to be felt by society; it is ability that wields the sceptre over the human heart and the human intellect. Now it is a great mistake to suppose that knowledge imparts ability of course. It does, indeed, impart ability of a certain kind; for by exercising the attention

and the memory, it improves the capacity for acquiring; but the capacity to acquire is not ability to originate and produce. No; ability can only be given by the appropriate studies, accompanied with the appropriate exercises—directed by a certain rule, and conducted infallibly to a certain result.

In all the celebrated schools of Athens, this was the plan of education; and there the ingenious youth, blessed with faculties of promise, never failed to attain the eminence aspired to, unless his perseverance failed. Hence the mighty effects of those schools; hence that immense tide of great men which they poured forth in all the departments of science and letters; and especially of letters; and hence, too, the astonishing perfection of their works. A celebrated writer, filled with astonishment at the splendor as well as the number of the works produced by the scholars of these schools, ascribes the event to the hand of a wonder-working Providence, interposed in honor of human nature, to show to what perfection the species might ascend. But there was nothing of miracle in it; the means were adequate to the end. It is no wonder at all that such schools gave to Athens her Thucydides in history, her Plato in ethics; her Sophocles to her drama, and her Demosthenes to her forum and her popular assemblies; and gave to her besides that host of rivals to these and almost their equals. It was the natural and necessary effect of such a system of education; and especially with a people who held, as the Athenians did, all other human considerations as cheap in comparison with the glory of letters and the arts.

It is true, this their high and brilliant career of literary glory was but of short duration; for soon as it had attained its meridian blaze it was suddenly arrested; for the tyrant came and laid the proud freedom of Athens in the dust, and the Athenians were a people with whom the love of glory could not survive the loss of freedom. For freedom was the breast at which that love was fed; freedom was the element in which it lived and had its being; freedom gave to it the fields where its most splendid triumphs were achieved. The genius of Athens now drooped; fell from its lofty flights down to tame mediocrity—to ephemeral works born but to languish and to die; and so remained during the long rule of that ruthless despotism—the Macedonian; and until the Roman came to put it down, and to merge Greece in the Roman empire. Athens now was partially restored again to freedom. Her schools which had been closed, or which had existed only in form, revived with something of their former effect. They again gave

forth some works worthy of their former fame, though of less transcendant merit; and they now gave to Rome the Roman eloquence and literature.

> Græcia capta serum Victorem cepit, et artes
> Intulit agresti satio:

and, if we are wise to profit by their example, may yet give to us an equal eloquence and literature.

I mention these things to show what encouragement we have to this enterprise—what well grounded hope of success. We have only to tread the path that led the Athenian to his glory, and to open that path to the youth of our country. All the animating influences of freedom exist here in still greater force than they existed there; for while it is not less absolute here, it is better regulated — better combined with order and security. Neither is the gift of genius wanting here; the gleams of this precious ore are seen to break out here and there all over the surface of our society; the *animus acer et sublimis* is daily displayed by our countrymen in all the forms of daring and enterprise; the eagle, their emblem, is not more daring in his flights. And if the love of fame, which was the ruling passion of the Greek, is not now so strong with us, it is because the want of the means, the want of plain and sure directions for its pursuits, begets a despair of its attainment. The Greek had these means, had these plain and sure directions; and it was the certainty of success by perseverance and by their guide that kindled and sustained his passion, and made it his ruling passion. This passion is now burning in the young bosoms of thousands of our youth; but it is, as I have said, *vis consili expers*, and struggles in vain because it struggles blindly for the fame it pants after. Let this Athenian mode of education be adopted in this instance—let it produce but a few examples of eminent success, (as I have no doubt it speedily would,) and thousands would rush to the path that had led to that success; and members now of this body are yet young enough to live to see a new era arising in our land—another golden age of literature, no less splendid than any that had gone before it—not excepting even the Athenian.

I know it has been supposed that the Athenians had something peculiar in their genius, which gave to them their unparalleled success. But we have seen that when, with the loss of freedom, they lost their love of literary glory, they fell back to the ordinary level of mankind; and were not at all distinguished for literary merit from the mass of nations. So it was not nature, but the means adopted to assist and improve nature, that gave to them

their pre-eminence; and their success was but in exact proportion to the perfection and use of those means.

I could wish, if all were agreed in it, that this institution should make one of a number of colleges to constitute a university to be established here, and to be endowed in a manner worthy of this great nation and their immense resources. This object, recommended by Washington in one of his early communications to Congress, has not, as it appears to me, received the attention it merits. For such an establishment, formed and conducted as it might be, would be attended with great and glorious results to this country—not only by its direct operation in elevating the standard of education, but by forming a central point, a local head to all the learning of the country—such as the most learned nations of Europe have, and from which they derive the greatest advantages. But as opinions are divided upon this subject—not, I should hope, as to the great desirableness of such an establishment—but as to the constitutional competency of Congress to undertake it, I will not embarrass my present object by involving it with that subject. This, as an independent institution, may hereafter be made a part of such a university, should one be established; but it is now to be looked at only as an independent institution. Still I should hope that the liberality of Congress would so far concur with the generosity of this foreign benefactor as to give full effect to his beneficent purpose; and would not only give the grounds convenient for the accommodation and location of the buildings, but would also make an appropriation of money therefor sufficient to cover the cost of their erection; leaving the whole amount of the legacy as a fund, the proceeds of which to be applied to the accumulation of books and apparatus—and to the support of the instruction and government of the institution; otherwise the whole thing, I fear, will prove a failure by the expense of the outfits; at least when compared to the results which it might be made to produce. For though the salaries of instruction should not be over large, yet they should be so liberal as to command the services of the ablest instructors in every department embraced by the plan of education. This is not the occasion for a detail in full of the plan of education which I should wish to see adopted; I will, however, beg leave to give its outline; premising that my object would be to give both learning and ability, but ability as the primary object. Ability, as I have stated, can only be given, as I am fully persuaded, by appropriate exercises directed by a certain rule; that is, by the principles of the art, whatever that art may be. So that exercises,

exercises, would be the Alpha and Omega of my system. The studies should be combined of science and literature with its appropriate arts. As to science, they should be restricted to science properly so called—to pure original science—with some of the practical branches thereof not necessary now to be indicated; excluding professory learning altogether. As to literature, the studies should be given to select models of a perfect literature, and to all those arts by which that perfect literature has been produced and may be reproduced, accompanied by all those exercises regularly and ardently pursued, by which power and skill is given in those arts. The preliminary studies to qualify for admission should also be prescribed. I would have a model school for this preparation annexed to this institution and made a part of the establishment.

Such an institution, conducted by great masters, as I should hope the instructors to be, and without such indeed nothing great in education can be accomplished whatever the system may be; but, conducted by great masters, would make the illustrious stranger, the founder of the institution, as I think, one of the greatest of benefactors to our country and to mankind, and to be worshipped almost, here at least, as the patron saint of education.

Mr. PRESTON rose and said: Unquestionably the subject to which my venerable friend, the honorable Senator from Rhode Island, has called the attention of the Senate, is one of great importance, demanding the grave consideration of Congress. As it is in the order of Providence that, as the mind is enlarged, our moral nature is also exalted, there can be no object more beneficent or dignified than that which the acceptance of this legacy presents to us. And surely, Mr. President, the establishment of the Smithsonian Institute could not commence under more favorable auspices than to have attracted the care of the honorable Senator, who in every way is so eminently qualified to take charge of whatever concerns the interest of learning or of charity. No one has more experience in his own heart, or more exemplified in his own character, the benign influences of education, than the honorable gentleman; and no one, therefore, in this body, was so fit to have submitted the resolution before you, or to cast the foundations of an institution, whose duration, we may hope, will bear a proportion to its enlarged objects. I am sure I but speak the sentiments of all the Senators, when I offer him my earnest thanks for the lead he takes in this matter. Nor can I forbear also, to thank him for introducing those elegant and elevated topics which carry us for a moment into regions of

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calm and serene air, above the smoke and din of our accustomed and more strenuous efforts on this floor. It is pleasant to repose upon the green spot he has presented to us.

I rejoice that this subject demands our attention at this session. After a long term of useful and honorable public service, my honorable friend is now about to terminate his co-operation with us on this floor. It is his last session. It is a fortunate, as it is a most just and fit termination of his official productions, that he at once finishes and perfects them by inscribing his name where it will be most appropriately placed—upon an institution for the promotion of knowledge.

SENATE, *January* 11, 1839.

Mr. Robbins' resolution was adopted, and it was ordered that Messrs. Robbins, Preston, Rives, Buchanan, Benton, Southard and Bayard be the committee.

SENATE, *January* 14, 1839.

Message from the House that Senate resolution (No. 7) had been concurred in.

SENATE, *January* 15, 1839.

Message from the House that a resolution had been passed concerning the Smithsonian bequest.

SENATE, *January* 16, 1839.

The resolution of the House was laid on the table.

SENATE, *January* 28, 1839.

The Senate concurred in the resolution from the House to authorize the joint committee on the bequest of James Smithson to employ a clerk, and to cause such papers as they may deem necessary to be printed.

SENATE, *February* 18, 1839.

Mr. Robbins, from the committee on the Smithsonian bequest, submitted the following resolutions; which were read, and ordered to be printed:

1. *Resolved*, That it is the duty of the United States, they having accepted the trust under the will of Mr. Smithson, of London, to execute that trust *bona fide*, according to the true intent and meaning of the testator.

2. *Resolved*, That the trust being to found an institution in the city of Washington, for the increase and diffusion of knowledge among men, the kind of institution which will have the effect intended and described, in the most eminent degree, will be the kind of institution which ought, in good faith to be adopted, as being most in accordance with the true intent and meaning of the testator.

3. *Resolved*, That all experience having shown scientific and literary institutions to be by far, the most effectual means to the end of increasing and diffusing knowledge among men, the Smithsonian Institution should be a scientific and literary institution, formed upon a model the best calculated to make those means the most effectual to that end.

4. *Resolved*, That to apply said trust fund to the erection and support of an observatory, would not be to fulfil *bona fide* the intention of the testator, nor would it comport with the dignity of the United States to owe such an establishment to foreign eleemosynary means.

Mr. ROBBINS, from the committee appointed on the part of the Senate, on the Smithsonian bequest, reported the following bills; which were severally read, and passed to the second reading:

[S. No. 292.]

A BILL providing for the disposition and management of the fund bequeathed to the United States, in trust, by James Smithson, of London, deceased, for the establishment of an institution for the increase and diffusion of knowledge among men.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all sum or sums of money heretofore received, or which shall hereafter be received, under and in pursuance of the last will and testament of the late James Smithson, deceased, of London, and all fund or funds, stock or stocks, or evidence or evidences of public debt whatsoever, in which said sum or sums of money have been, or shall hereafter be, invested, shall be, and are hereby, constituted and declared to be a fund to be named or styled "the Smithsonian fund," and shall be under the management and control of nine trustees, to be styled "the board of trustees of the Smithsonian fund," subject, however, to such rules, regulations, and restrictions as the Congress of the United States may or shall, from time to time, make, ordain, or establish; and said trustees shall constitute a portion of such corporation as shall hereafter be created by Congress for the government of an institution for the increase and diffusion of knowledge among men.

SEC. 2. *And be it further enacted*, That the said trustees shall hold their offices for the term of one year, and until their successors be appointed, and shall be appointed annually on or before the day of , in the following manner, that is to say: three of the said trustees shall be appointed by the Senate and three by the House of Representatives, in such manner as the said Houses shall respectively determine, and the remaining three shall be appointed by the President of the United States; and the trustees so appointed, or a majority of them, shall meet together, in the city of Washington, on the day of next succeeding their appointment, and shall elect one of their own body as President of said board; they shall have authority to appoint a clerk and printer, and fix their respective compensations; and make and establish such rules and regulations for their own government as they may deem necessary or proper; hold one or more sessions for the transaction of business during the recess of Congress; and adjourn from day to day, as they may deem proper; they shall keep a journal of their proceedings, and report the same, or an attested copy thereof, to both Houses of Congress on or before the day of , in each and every year.

SEC. 3. *And be it further enacted*, That all expenditures made by the said board shall be subject to the approval of the President of the United States; and all the accounts thereof shall be reported to the Secretary of the Treasury, and audited, under his direction, by the proper officers of the Treasury Department; and the said board shall report to Congress, at every session thereof, the state of the Smithsonian fund, and a full statement of their receipts and expenditures during the preceding year.

SEC. 4. *And be it further enacted*, That the said trustees be, and they are hereby, specially authorized and directed to prepare such a charter of incorporation, and such a plan of an institution for the increase and diffusion of knowledge among men, as to them may appear best adapted to

carry into effect the bona fide intention of the testator, the said James Smithson, and to report the same for the consideration and action of Congress at the next session thereof.

[S. No. 293.]

A BILL to provide for the disposal and management of the fund bequeathed by James Smithson to the United States, for the establishment of an institution for the increase and diffusion of knowledge among men.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Vice-President of the United States, the Chief Justice of the United States, the Secretaries of State and of the Treasury, the Attorney General of the United States, and the Mayor of the city of Washington, all during the time when they shall hold their respective offices, together with three members of the Senate and four members of the House of Representatives, to be annually elected by their respective Houses, on the fourth Wednesday of December, shall be, and hereby are, constituted a body politic and corporate, by the style and title of the trustees of the Smithsonian Institution for the increase and diffusion of knowledge among men, with perpetual succession, and the usual powers, duties, and liabilities incident to corporations.

SEC. 2. *And be it further enacted*, That the corporation so constituted shall have power to appoint from citizens of the United States, other than members of the board, a secretary and a treasurer, to hold their offices during the pleasure of the board, and removable at their pleasure, and others to be appointed in their places, and to fix their compensations. And the secretary and the treasurer only shall receive pecuniary compensation for their services, and those of the members of the board of trustees shall be gratuitous. And the offices of secretary and treasurer may, at the discretion of the board of trustees, be held by the same person. The secretary and treasurer shall be sworn to the faithful discharge of the duties of their respective offices, and the treasurer shall give bond, with the penalty of fifty thousand dollars, with sureties, to the satisfaction of the Secretary of the Treasury, for the safe custody and faithful application of all the funds of the Institution which may come to his hands or be at his disposal.

SEC. 3. *And be it further enacted*, That the sum of placed in the Treasury of the United States on the day of as the proceeds in part of the bequest of James Smithson to the United States, together with all sums which may hereafter be realized, shall be passed hereafter to the credit of a fund to be denominated the Smithsonian fund, in the Treasury of the United States. And the faith of the United States is hereby pledged for the preservation of the said fund undiminished and unimpaired, to bear interest at the rate of six per centum a year, payable on the first days of January and July to the treasurer of the board of trustees of the Smithsonian fund, to be applied to the purposes of the fund, conformably to the laws, and subject to the revision and regulation of the board of trustees.

SEC. 4. *And be it further enacted*, That no part of the said Smithsonian fund, principal or interest, shall be applied to any school, college, university, institute of education, or ecclesiastical establishment.

SEC. 5. *And be it further enacted*, That the appropriations to be made, from time to time, by Congress, to the purposes of the Smithsonian Institution, as declared by the testator, shall be exclusively from the accruing interest, and not from the principal of the said fund: *Provided*, That Congress shall retain the power of investing, at their discretion, the principal of said fund in any other manner so as to secure not less than a yearly interest of six per centum.

SEC. 6. *And be it further enacted*, That the sum of thirty thousand dollars, part of the first year's interest accruing on the said Smithsonian fund, be, and the same is hereby, appropriated towards the erection and establishment, at the city of Washington, of an astronomical observatory,

adapted to the most effective and continual observation of the phenomena of the Heavens; to be provided with the necessary, best, and most perfect instruments and books, for the periodical publication of the said observations, and for the annual composition and publication of a nautical almanac.

SEC. 7. *And be it further enacted*, That the said observatory shall be erected under the direction of the Secretary of the Treasury, subject to the approbation of the President of the United States; and the site of the same shall be selected upon land, in the city of Washington, belonging to the United States; and the land necessary for the same, and for any other buildings proper to be connected with the said observatory and the appurtenances thereof, is hereby granted, and shall be duly conveyed, as a deed of gift, to the trustees of the Smithsonian fund, and to their successors forever, in aid of the purposes of the said Institution.

SEC. 8. *And be it further enacted*, That all expenditures made by the said board shall be subject to the approval of the President of the United States, and all the accounts thereof shall be reported to the Secretary of the Treasury, and audited, under his direction, by the proper officers of the Treasury Department; and the said board shall report to Congress, at every session thereof, the state of the Smithsonian fund, and a full statement of their receipts and expenditures during the preceding year.

SEC. 9. *And be it further enacted*, That the first meeting of the trustees of the Smithsonian fund shall be held at the city of Washington on the third Monday of January next, and that, in the mean time, the custody of the said fund, and the expenditures under the appropriation herein made, shall be held and authorized by the Secretary of the Treasury, subject to the approbation of the President of the United States.

SENATE, *February* 25, 1839.

The bill (S. 292) providing for the disposition and management of the fund bequeathed to the United States in trust, by James Smithson, of London, deceased, for the establishment of an institution for the increase and diffusion of knowledge among men, was read the second time, and considered, as in Committee of the Whole.

On motion by Mr. HUBBARD, that the bill lie on the table, it was determined in the affirmative—yeas, 20; nays, 15.

On motion by Mr. HUBBARD, the yeas and nays being desired by one-fifth of the Senators present; those who voted in the affirmative are—

Messrs. Allen, Bayard, Benton, Brown, Calhoun, Clay of Alabama, Hubbard, King, Lyon, Morris, Mouton, Niles, Norvell, Roane, Robinson, Smith of Connecticut, Strange, Williams of Maine, Williams of Mississippi, Wright.

Those who voted in the negative are—

Messrs. Clay of Kentucky, Davis, Fulton, Knight, Linn, Merrick, Prentiss, Preston, Rives, Robbins, Ruggles, Sevier, Smith of Indiana, Walker, Young.

So it was ordered that this bill lie on the table.

SENATE, *February* 28, 1839.

Mr. ROBBINS submitted the following motion for consideration:

Resolved by the Senate, That the mayor and city council of the city of

Washington be, and hereby are, authorized to prepare and report a plan of an institution, to be called the Smithsonian Institution, to be founded on the bequest of Mr. James Smithson, of London, and to report the same to the Senate at the next session of Congress.

SENATE, *March* 1, 1839.

The Senate proceeded to consider the motion submitted yesterday by Mr. Robbins respecting a Smithsonian Institution; and, on motion by Mr. CLAY, of Alabama, ordered that it lie on the table.

PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES, *March* 5, 1838.

On motion of Mr. CHILDS,

Resolved, That the President be requested to communicate to this House (if the same can be done without prejudice to the public service) all the documents and information in his possession relative to the prosecution of the claim to the Smithsonian bequest; also, what duty has been performed, and remains to be performed, by the agent employed at London, in reference to said claim, and how the money heretofore appropriated by Congress has been applied.

HOUSE OF REPRESENTATIVES, *June* 28, 1838.

Mr. RENCHER, on leave, submitted the following resolution; which was agreed to:

Resolved, That the Committee of Ways and Means inquire into the expediency of authorizing a temporary investment of the Smithsonian legacy, as soon as it shall be received by the President of the United States.

HOUSE OF REPRESENTATIVES, *July* 2, 1838.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported the following bill:

[H. R. No. 868.]

A BILL to provide for the investment of money received under the will of the late James Smithson, of London.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all money arising from the bequest of the late James Smithson, of London, for the purpose of founding at Washington, in this District, an institution to be denominated the Smithsonian Institution, shall be paid into the Treasury, and invested by the Secretary of the Treasury, with the approbation of the President of the United States, in stock of the United States, to be created for that purpose, bearing interest at the rate of six per centum per annum, payable annually; that the certificates for said stock shall be issued by the Secretary of the Treasury to the President, who shall hold the same in trust for the uses specified in the last will and testament of said Smithson, until provision is made by law for carrying the purpose of said bequest into effect; and that the annual interest accruing on the stock aforesaid shall be in like manner invested for the benefit of said institution.

HOUSE OF REPRESENTATIVES, *July* 9, 1838.

Mr. CALHOUN, of Massachusetts, submitted the following, which was agreed to:

Resolved, That the President of the United States be requested to cause to be laid before the House during the first week of the next session of Congress, all such communications, papers, documents, &c., now in the possession of the Executive, or which can be obtained, as shall elucidate the origin and object of the Smithsonian bequest, and the origin, progress, and consummation of the process by which that bequest has been recovered, and whatever may be connected with the subject.

HOUSE OF REPRESENTATIVES, *December* 10, 1838.

Two messages were received from the President of the United States, as follows:

FIRST MESSAGE.

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives reports from the Secretary of State and the Secretary of the Treasury, with accompanying documents, in answer to the resolution of the House of the 9th of July last.

WASHINGTON, *December* 7, 1838.

Ordered, That said message be referred to a select committee.

Mr. John Q. Adams, Mr. Smith, Mr. Ogle, Mr. Charles Shepard of North Carolina, Mr. Holt, Mr. Thompson, Mr. Hunter of Ohio, Mr. Kennedy, and Mr. Garland of Virginia, were appointed said select committee.

SECOND MESSAGE.

For second message see Senate Proceedings, December 10th.

Ordered, That said message be referred to the select committee last appointed.

HOUSE OF REPRESENTATIVES, *December* 20, 1838.

Mr. John Quincy Adams presented a memorial of Charles Lewis Fleischmann, a citizen of the United States, showing the importance of, and the benefits which may arise from, the establishment of a national agricultural school, as a branch of the Smithsonian Institution; which memorial was referred to the select committee appointed on two messages from the President in relation to the Smithsonian bequest.

On motion of Mr. John Quincy Adams

Ordered, That the memorial of Walter R. Johnson, for an institution for experiments in physical sciences, presented May 21, 1838, be referred to the select committee appointed on two messages from the President in relation to the Smithsonian bequest.

The following is the memorial of Prof. Walter R. Johnson:

To the Senate and House of Representatives of the United States, in Congress assembled.

The memorial of the undersigned, a citizen of the United States, respectfully represents—

That, having been for many years devoted to the investigation and elucidation of those departments of science which pertain to the practice of the useful arts; and having, as he conceives, witnessed on various occasions the serious detriment which the public interest has suffered from the want of a national institution to encourage and facilitate the cultivation of those departments of knowledge on which these arts are founded, he has at this time ventured to present himself as a memorialist before your honorable bodies, and to ask permission to set forth the importance and necessity of such an institution to the country, and its claims to the countenance of the Government of the United States.

In a clear comprehension of the internal resources of the country, the whole nation possesses a deep and a growing interest: and in those vast portions of territory constituting, the public domain, the Government has a stake of immense magnitude. But great as these interests are, and much as they demand the services of men professionally devoted to their elucidation, the United States as yet possess no institution appropriated to the formation of those habits, and the acquisition of that skill which might insure the success of such researches.

The want of an institution for these purposes is daily rendered more striking, in proportion as the enterprise of our citizens is enlarged, and as a reliance on our own resources becomes the more obviously necessary. But the determination of the *value* of the natural resources of the country is far from being the only motive for the establishment of an institution for prosecuting researches in physical science. Those resources require to be *applied* and *improved*, as well as *discovered* and *described*.

A further purpose, therefore, to be effected by such an institution is the enlarging of those resources, by the introduction of improvements in agriculture, and by naturalizing the productions of other climates to the soil of our widely extended territory—the encouraging of those arts which are essential to our national prosperity and independence—the diffusing of important information respecting the commercial value of our different resources—the examining of questions in every department of physical research,

connected with the public service, and the preventing of those impostures, to which both individuals and the public are liable, while important physical truths remain unexplained.

Motives of higher import are not wanting: inducements drawn from an exalted patriotism might be presented, in favor of such measures as might place our national resources, institutions, and arms of defence above a dependence on the science of foreign nations.

In recognizing the important truth, that the power, freedom, and happiness of nations are essentially connected with a comprehension of their own natural advantages, not less than with the wisdom, firmness, and prudence of those who are exalted to civil authority, we discover at once the vast magnitude of the obligation imposed on the people of this Union to become thoroughly acquainted with the resources of their country.

It is said, and said truly, that every freeman should understand the civil constitutions of the country which secure his rights; and is it less imperative to understand its physical constitution, which secures his existence?

Whoever loves his country would see her great, powerful—loved at home, and respected abroad. And what element in her greatness, her power, her loveliness, her respectability, is more sure to win the affections, than the rich abundance of her natural advantages, and the ability of her citizens to comprehend, to develop, and enjoy them?

It is a mark of a meek colonial dependence, to remain ignorant of all but the most obvious features and productions of a country; and it is an evidence of something worse than colonial dependence, for a nation professing to be *independent*, to receive from foreigners all the knowledge that they ever acquire of the natural features and resources of the country, and of their application to useful purposes. Why need we cite the examples of antiquity? Why go to India, to Africa, to New Holland, to seek illustrations of this truth? What is the condition of the colonies still remaining on this continent, in regard to a knowledge of their respective territories? With what jealousy did the courts of Madrid and Lisbon spread for three centuries a midnight of ignorance, with regard to the arts, over the fairest portions of the globe!

And what was the state of the useful arts, in those countries, at the moment when they at last greeted the uncertain dawn of a questionable liberty? What is their degree of weakness and irresolution, even at this day, superinduced

by an habitual neglect of the bounties of nature, and the achievements of art? How utterly at the mercy of strangers—how little competent to assert the dignity of any national character, are most of the Spanish American republics! It is not pretended that ignorance of their resources is the only cause of this degradation; but that the former may at least be considered a fair index to mark and measure the latter.

But, it may be asked, what great national interests will be benefitted by an institution like that now proposed? The reply is easy.

Wherever, in prosecuting his designs, man has occasion to call to his aid the energies of nature, there will researches in physical science find an appropriate sphere of action. And wherever any national interest involves the production or use of material objects, there must the energies of nature be more or less constantly put in requisition.

Among the prominent interests affected by the existence and operation of an institution for physical researches, are those of agriculture, of the army, the navy, the public domain, engineering and topography; architecture, civil, military, and naval; the mining industry of the country and its interests in the success of the inventive genius of its citizens. To these must be added commerce and manufactures.

That all these subjects are regarded as public interests, is, perhaps, sufficiently evinced by the fact, that in the distribution of the subjects of legislation in Congress, each, with the exception of mining, is deemed of sufficient importance to merit the attention of a separate standing committee of each House. Thus there is in each House a committee on agriculture, on military affairs, on naval affairs, on the public lands, on roads and canals, on public buildings, on patents and the patent office, on commerce, and on manufactures.

The foregoing statement is made in order to show that, in asking the attention of the national authorities to this subject, there is no design to obtrude upon their notice matters not already within the acknowledged and long conceded sphere of constitutional action; that there is no attempt to introduce a course of legislation, on concerns foreign to those great interests of the nation, for the protection of which the fundamental law has invested the Legislature with ample powers.

1. In no department of industry is the need of experimental science more evident than in that of agriculture.

The labor of research and observation in this department belongs alike to the botanist, the zoologist, and the chemist. The first should investigate the physiology and habitudes of all those vegetable productions which constitute so large a portion of the products of farming operations, together with the accidents, blights, and diseases, to which they are liable, the insects by which their growth or usefulness may be affected, and the method of securing and reducing to a merchantable form the crops of each vegetable, when matured. The introduction of exotic plants, and the treatment which may insure their success in our climate, with the method of regulating and varying the succession of crops, to avoid the exhaustion of soils, would appropriately fall under the same branch of the agricultural department.

The practicability and the proper methods of cultivating the vine, the olive, the mulberry, the sugar beet, the Sisal and Manilla hemp, the New Zealand flax, and other fibrous vegetables fit to furnish textures and cordage, would also appropriately fall under the botanical division of agricultural science.

The collections in this department would exhibit samples of not only the ordinary and the rare specimens of each plant, but also the diseased individuals and the vegetable monsters of each class, displaying, when practicable, the cause of such disease or monstrosity. Under the botanical division is necessarily included, also, whatever pertains to horticulture and the management of fruit in all its varieties.

Zoology applied to agricultural purposes would make known the rearing and treatment of every species of useful domestic animals, whether bird or quadruped, the kinds of labor to which any of them may be applied while living; the diseases, contagious or otherwise, to which they may be liable; the value and uses of their living products, as milk, wool, hair, or feathers, and the importance to man of their flesh, sinews, bones, horns, and pelage, when slaughtered.

The best methods of domesticating or naturalizing desirable species of animals not now in use in this country, and improving the breeds of all such as may be susceptible of melioration, would likewise come under the cognizance of this department. To the same would pertain an examination of such of the inferior races of animals which are either *useful*, as the bee and the silk-worm, or *noxious* and *destructive*, as the Hessian fly, the locust, the weevil, and the canker worm, as well as of those parasitic insects which often prove so annoying and destructive to the larger ani-

mals, together with the methods of their extermination. In short, an *agricultural* study of animal beings must deal with the physiology and structure of each race, in every stage of its existence. How wide is this field of inquiry, and how momentous to the interests of agriculture, needs not to be demonstrated.

But to the chemist is assigned, in connection with agriculture, a branch of duty not less important, and, if anything, more difficult, than to either of the preceding. To him belongs not only the duty of ascertaining the constituents of every soil, and the ingredients which render it either barren or fertile, which adapt it to peculiar productions, which cause it to require more or less labor in the tillage, but also that of determining the nature of the dressing which may restore it when exhausted, whether the same should consist of animal, vegetable, or mineral substances, and in what proportions. He must also examine the constituents, immediate and ultimate, of each vegetable, and trace the relation between the character of a soil and that of the vegetable substances which it is capable of producing.

In various parts of our country it is well known that shell and other limestones, marl, gypsum, and alluvial deposits of various kinds, are resorted to for furnishing the dressings of worn-out or barren soils; and yet it is equally well known that not every soil is alike benefited by the same dressing. Even among the marls, some produce an effect absolutely injurious, on the very soils which others would fertilize in a high degree. Hence the importance of designating, by means of chemical analysis, the fertilizing or non-fertilizing properties of every compost used in the dressing of land, its adaptation to each soil, and its utility as applied to each production which that soil is designed to yield.

Though almost unknown in our country, and unapplied to its industry, the subject of agricultural chemistry has not been deemed unworthy to engage the best talents of European chemists. In proof of this, we need only recur to the names of Henry and Ure, and the immortal Davy.

The three branches of agricultural science above described would in their several collections present an exhibition of exceeding interest, and one every way worthy to fix the attention of the multitudes of citizens who annually visit the seat of Government, as well as of the assembled representatives of the people.

Stored in appropriate receptacles would be found the

botanical treasures of every portion of our territory, and the useful products of every foreign clime; so that, while our conservatory of arts and trades, now rising with increased splendor from the ashes of its late conflagration, shall receive the monuments of inventive genius, the contemplated depository of our natural riches would soon vie with it in curiosities and in usefulness.

2. Of the importance to the military interests of the country of an institution like that herein proposed no doubt can be entertained, when we take into view the great number of practical subjects which, in that service, it is necessary to determine by actual experiment. Questions relating to the form, construction, and efficiency of ordnance and arms of every description, the effect of projectiles as related to their weight, bulk, and velocity, and to the charges by which they are projected, or to the length, weight, windage, and other circumstances of the guns ememployed; to the durability of the latter, as dependent on the quality of metal used in their fabrication, or on the method of casting and subsequent preparation for service, are often presented for solution.

In connection with the products of a national foundry, should such an establishment be authorized, the prosecution of experiments would be of the utmost consequence, and they certainly cannot be less important when the ordnance for our army and navy is manufactured entirely by contract. Much of that skill which is required in the fabrication of small arms is dependent on a just application of scientific principles; and careful researches into the nature of the materials, and the best methods of working them, is often demanded. Nor are inquiries for this department of public service confined to one or a few materials. Iron, copper, and zinc, brass, and many other alloys; materials for tents, clothing, and accoutrements; the whole range of substances employed in pyrotechny; the materials for constructing fortifications, whether on the seaboard or in the interior; for gun-carriages and other vehicles; for portable bridges, and for every species of camp equipage, are among the objects of attention in this connection. Nor must the influence of heat, moisture, and other causes, in destroying the various materials employed in the military service, or the means of preventing their injurious effects, be omitted.

The interests of the army, then require many series of experimental inquiries. And though, for the purposes of educating youth to the profession of arms, it is admitted

that we have an institution which has received many high encomiums for excellence, yet it is certain that *original investigations* of physical truth are not the objects contemplated or mainly pursued in that establishment. Consequently, its existence in full activity and usefulness does not diminish the necessity of a national institution for the purposes now proposed.

3. To the naval service of the country the subject offers a great variety of important considerations. The whole business of navigation, whether for commercial or for warlike purposes, ought to be founded on the most accurate scientific principles; and every motive which should impel the mechanic or engineer to guide his practice by the lights of science is equally or more urgent on the mariner. In the prosecution of his adventurous enterprise, the latter must encounter every element of nature. Taking, as we now do, *steam navigation* into the account, we find him engaged at the same moment in a conflict between fire, air, earth, water, light, heat, electricity, galvanism, magnetism, chemical action, and the gravitating forces of the earth, the ocean, and the atmosphere.

To enable him to contend successfully against these various forces, he must, in addition to the principles of the art of navigation, with no mean modicum of astronomy, bring to his aid an extensive range of physical sciences. Not that a staunch, well-equipped vessel must necessarily require in him who directs her course all these qualifications: the above remarks are intended to apply to nautical science and practice as a whole, embracing whatever belongs to the naval profession. This requires investigations to be made into the good qualities and the defects of different species of timber, the influence of the season of cutting on the durability of its various kinds, and the most effective and economical methods of preventing decay.

Among other materials for naval use requiring attention are those of cordage, in all their varieties, from the rigid hempen ropes of our own manufactories, to the rude coir cable of the east, buoyant and elastic, floating clear of a rocky bottom, where the heavier hempen line would be chafed and destroyed; and from the delicate production of Manilla to the stouter staple of the Sisal hemp of Yucatan.

Far from being distinctly known, and their several qualities clearly discriminated, these different materials have hitherto been scarcely distinguished by their proper names, even among our mariners and merchants. And the names, characters, and habitudes of the plants which produce the

textile fibres have, if possible, been less clearly understood than the peculiar properties of the cordage itself. Thus the name "sea grass" is sometimes applied to the fibres of a fleshy perennial plant of the agave genus, which grows on dry rocky hills far in the interior of the country. The influence of heat and moisture on all the different materials employed for either cordage, sails, hammocks, bags, or clothing, presents a wide field for useful research. The relative strength and durability of tarred and white cordage has already engaged attention in Europe, but further inquiries spring up as new materials are introduced.

Not less important than either of the preceding topics is that of the strength and other properties of iron, as applicable to the fabrication of chain cables and smaller chains for standing or running rigging, (the latter particularly for steam vessels,) and of bolts and anchors for all the various sea and river craft. Not only the strength and elasticity, but the chemical purity also of this material, and its power to resist corrosion, are objects of deep interest.

The naval and commercial marine interests are alike involved in an inquiry into the possibility of obtaining an economical substitute for copper for the sheathing of vessels; and whether that material itself may yet be defended from the corrosion which now causes so heavy a charge on the Government, as well as on the private shipowner. A movable galvanic armature has been suggested for this purpose, but awaits a trial of its efficacy.

Other subjects of inquiry likewise press upon the attention, such as the most efficient and economical forms of pumps, and the best methods of working them; the best modes of heating, ventilating, and disinfecting vessels at sea, and of freeing them from vermin; of preserving every species of provision on long voyages; the practicability of obtaining fresh water by any convenient apparatus for distillation on shipboard; and the most effective means of securing ships from electrical discharges. Time would fail us to enumerate all the beneficial results of an enlightened application of science to the operations of dock yards, to the construction and use of dry docks, screw docks, floating docks, and marine railways.

To show that the importance of science to the naval interest is not herein overrated, it may not be amiss to mention, that a single division of science applicable to this service of naval construction, that of the influence of form on the flotation and motion of solid bodies in liquids, has not been thought unworthy to occupy the attention of some

of the ablest philosophers and experimenters of France, Sweden, and England. The names of Bossut, of Lagherjelm, and of Beaufoy, are vouchers for the truth of this assertion. The labor of the last named author, in which it appears that his wife was a frequent participator, was truly Herculean; and the splendid publication and gratuitous distribution by their son of the thirty years' scientific labors of his parents, is a method of building a monument as novel and touching as it is liberal and affectionate; while the monument itself is more honorable, perhaps, than any which the pencils, burins and chisels of Britain have ever produced.

4. If from the public defence, both military and naval, we pass to the public revenues, especially to that part which is derived from the sale of the public domain, we readily find ample reason to sustain a call for scientific investigations.

The agricultural value, the geological structure, the mineral resources, the botanical productions, the supplies of water for manufacturing purposes, the true geographical position, and the force and present direction of terrestrial magnetism in the regions where the public lands are situated, are circumstances to be attentively examined in prosecuting a survey of those lands.

The analytical chemist will decide the value, for mining purposes, of those regions, which the geologist and mineralogist shall have explored; while the engineer will note whatever advantages and facilities may be offered for internal communications.

The formation of a geological and mineralogical collection, would result, of course, from the surveys and examinations contemplated in the foregoing remarks. And none, surely, can doubt the ability of our country to furnish collections which may stand in competition with the richest and most celebrated in Europe. Though it is true that mineralogical exploration, the art of mining, and the chemical analysis of minerals, are almost in their infancy amongst us, and though it will be remembered, that even geological inquiries in this country have not surpassed the time of a single human life, since the father* of American geology is still among the living; and though, as a natural consequence, we yet know comparatively little respecting the treasures of our mountains, and forests, and prairies, still,

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* William Maclure, Esq., author of "Geology of the United States," resident in the city of Mexico; April, 1838. [Since deceased, 1844.]

enough is already known to warrant the brightest anticipations for the future.

As it regards mineral fuel, the American continent appears to be peculiarly distinguished. In one or another of its varieties, that material is found in Nova Scotia, in Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, Ohio, Indiana, Illinois, Kentucky, Tennessee, and Missouri; on the Yellow Stone river on the eastern, and and the Columbia on the western side of the Rocky Mountains; in the province of Durango in Mexico; in the Island of Cuba; on the lofty Andes of Peru; at the Cerro di Pasco and Huallanca, bordering on perpetual snow; and near the level of the sea, at the city of Conception, on the coast of Chili. But in the Central and Western States of this Union the greatest abundance and variety of this fuel has hitherto been discovered. It is hardly more than thirty years since so little was known of the coal of Pennsylvania, that a wealthy and enterprising citizen, who had caused a wagon load of excellent anthracite to be transported from the valley of Wyoming to Philadelphia, at an expense of fifty dollars a ton, and had parceled it out for trial among his friends, was soon beset by the latter with rebuke and ridicule, for having, as they alleged, attempted to palm upon them a heap of black *stones*, under pretence of their being *coal*, while in fact they could no more ignite them than if they had been so much granite. A fortunate occurrence at length dissipated their incredulity, and saved the credit of the worthy citizen; and the results of that interest which was thus awakened on the subject have led to a knowledge of the mineral resources of that State, far more accurate than had ever previously existed.

A view of the map of Pennsylvania presents us with nearly the form of a parallelogram, of which the eastern end is replaced by the irregular line traced by the course of the Delaware river. If lines were drawn parallel to the western boundary of the State, running north and south, one mile apart, so as to divide the whole State into strips one mile wide, proceeding eastward and ending with the first of those lines which should strike the Delaware river, every one of those belts would, it is confidently believed, contain some portion of a coal field; and if these dividing lines were crossed by others a mile apart, running east and west, dividing the State throughout its whole breadth into similar strips, every one of the latter, except perhaps a few on the northern border, would also contain more or less coal; and we could scarcely draw, over the surface of that

State, in *any direction*, a straight line equal in length to the breadth of the State, without traversing a bed of iron ore, or of limestone, or of both. It is not doubted that equally interesting proofs of the prodigality of nature towards our country may be found in other States and territories of the Union, nor is it necessary to dwell on the importance of obtaining accurate information respecting them.

In regard to our extensive lead mines, the value of such information will be readily perceived by comparing the present abundant supply of that article with the condition of things when it was obtained only by importation, and when organ tubes of that metal were taken from the churches to yield a scanty supply of bullets to Washington's little army at Cambridge.

It is unnecessary to dwell on the importance of obtaining accurate information respecting the metals employed for coin. Whatever materials the financial wisdom of the nation shall at length decide to render current, as the medium of exchange and the standard of value, our mines of the precious metals, their nature, extent, and richness, must ever remain objects of deep interest, both to individuals and to the public.

The value to be attached to our materials for architectural constructions and other ornamental purposes yet remains to be fully developed. Enough, however, is known to assure us that we have among our marbles for massive structures, those which may vie with the Pentelican of Greece; for ornamental furniture, with the variegated species of Egypt; and for beautiful statuary, with the snow-white Cararra of Italy. With lithographic limestone we need no longer call on Germany to supply us. Our mineral colors, hydraulic cements, and fire clays, need only be better understood in order to supercede entirely similar articles from abroad.

A patriotic resolution of one branch of the National Legislature has recently decreed that the bust of one of our most eminent revolutionary statesmen shall henceforth rest on a massive fragment of that iron mountain found in the rich and productive region which, by a bloodless and honorable purchase, his sagacious counsels annexed to our beloved country. Would that our thirty years of possession had taught us other uses of that ore than to lie in unshaped masses as pedestals for our patriots. Then might we boast some greater share of that real national independence, to the attainment of which the whole life of our Jefferson was devoted.

5. Passing to the interests of the country, as involved in

her internal improvements, we find much to occupy the attention of scientific inquirers; and, as the revenues of the nation are more or less directly benefitted by those improvements, it is perhaps but reasonable that the science to design and the skill to execute those works should be supplied by means of a national institution. To a limited extent, our practice has sanctioned this course. Surveyors and engineers in the service of the Government have, in a few cases, been placed at the disposal of the State authorities. For reasons sufficiently obvious, however, no permanent reliance can be placed on such a diversion of military officers from the peculiar duties for which the Government has caused them to be educated.

Incidental to the subject of internal commerce is that of locomotion, whether on land or on water, embracing every inquiry relative to steam navigation, the causes of explosions, and the methods proposed for insuring safety.

Another incident to this division of the subject is the introduction into our mining and metallurgic processes of those improvements which may free our country from a dependence on foreign skill, foreign shipping, foreign insurance, commission, and brokerage, for every yard of railroad iron which is laid throughout the length and breadth of the land. Over our very richest beds of iron ore, and coal, and limestone, are laid bars of foreign iron, extending far away and crossing each other in various directions, while through their *gratings* the country looks out at an importunate creditor beyond the Atlantic. No small portion of the hundred millions which have been borrowed from Europe for the purpóses of internal improvment, has been applied to the procuring of this article; an article which it requires no very daring spirit of prophecy to assure us will one day be exported in immense quantities from the United States.

6. In reference to the subject of architecture and public buildings, the acquisition of information by experiment would often prove a most economical investment of a moderate portion of the means devoted to such constructions. Besides all the intereresting inquiries relating to the form, strength, and durability of materials, the permanency of foundations, and the adhesion of mortars and cements, we have various questions concerning the influence of temperature in the expansion of building materials, and of the proper forces to be opposed to such expansions, as well as to other disturbing causes, which might endanger the stability of large structures. A competent knowledge of

these various subjects would enable our architects to insure the permanency of their works, without involving the expenditure of enormous sums, either to replace ill constructed tottering edifices, or to surmount *imaginary impossibilities*.

Other subjects of inquiry, incidental to the department of art now referred to, would also merit attention. An understanding of the laws which regulate the motions and reverberations of sound would not be found unprofitable to those who construct halls for the sessions of legislative and judicial bodies. Exemplifications of this statement are but too well known at the seat of Government.

Many of the truths which experimental research might develop would be equally applicable to every species of architecture, whether civil, military, or naval. Many would have reference chiefly to buildings on land, while others would pertain exclusively to submarine constructions, such as the foundations of piers and docks, sea-walls and breakwaters.

7. That the country has such an interest in the inventive genius of its citizens as would authorize the establishment of an institution capable of testing the value, as well as of proving the novelty, of any invention, seems to have been fully admitted by the constitution and laws of the United States.

Several appropriations have, indeed, already been made for special purposes of this nature, and others have been recently asked, for objects highly deserving of consideration, as connected with the welfare and safety of the public. The advantages to be expected from this particular application of scientific labor are not limited to any one great interest. In every branch of the public service, inventions and improvements may be found beneficial, and in all of them may investigations be deemed necessary, before an impartial decision can be anticipated.

8. The bearing of numerous investigations on the vast and complicated interests of *commerce*, is, perhaps, too obvious to require even the slightest elucidation. Whatever facilitates navigation, such as improvements in steamboats or other vessels; whatever diminishes the risks attendant on its prosecution, as improvements in charts, beacons, light-houses, telegraphs, and life-boats, and whatever transmits rapidly information, or funds, or persons, or merchandise, is essentially interwoven with the prosperity of commerce.

9. And since all the facilities and improvements in com-

merce, all the elements and productions and moving forces of nature, all the inventions of ingenuity, all the obscure movements of mining industry, all the skill of the architect, all the science of the engineer, and all the productions of the agriculturist, are, directly or indirectly, conducive to the manufacturing and mechanical interests of the country, there cannot exist a doubt of the value, *to those interests*, of an institution for researches in practical science.

It is by no means supposed by your memorialist that *all* the ramifications of each of the great interests, which have now been shown to have a stake in the advancement of useful knowledge, would come simultaneously under investigation. Researches in each would naturally follow in the order of its relative importance, and of the facilities for its examination. To obtain these facilities would be a primary step in the operations of the establishment.

The foundation of an institution for practical science is, in itself, no novel project for the enlightened Government of a cililized nation to entertain. What an intelligent stranger might, perhaps, consider more remarkable in the case, is the fact that so long a period has been allowed to elapse without witnessing an attempt to erect in our country such an institution. If examples were required we might find them in England, in her Royal Institution and Society of Arts; in Scotland, in the Andersonian Institution, at Glasgow; in France, in her Polytechnic School and School of Mines; and in Prussia, in her "Gewerbverein" at Berlin. To these might be added some local establishments in our own country. But even if no precedent existed, it would be no valid argument against a measure prompted by reason, recommended by utility, sanctioned by our national position, and demanded by so many important public interests.

For the accomplishment of an object so comprehensive in its design, a considerable amount of means would doubtless be required; and your memorialist would have hesitated to offer at this time his views on a plan for augmenting the public expenditures, had such been deemed a necessary consequence. And though firmly persuaded that, either for the public or for individuals, no fund is more safe or productive than that of useful knowledge, and that in none other could a more judicious investment be made, yet it is believed that even the admission of these truths is not required in order to obtain means applicable to the purposes now contemplated.

A considerable fund has been represented as likely to be

soon forthcoming, through the hands of an agent specially delegated to Europe, under provision of law for that service, to obtain a legacy left to the United States, for the express purpose of founding an institution for the "increased diffusion of knowledge among men." While, therefore, your memorialist would solicit your honorable bodies to establish by law an institution for the purposes herein contemplated, he would also respectfully submit the propriety of inquiring whether such purposes be not the most appropriate to which the Smithsonian legacy can be devoted, whenever the same shall have been received in the United States; and should this be determined in the affirmative, then to apply said legacy to the carrying into execution of said law, and to the promotion of the several objects herein set forth.

Respectfully submitted, WALTER R. JOHNSON.

HOUSE OF REPRESENTATIVES, *January* 9, 1839.

On motion of Mr. John Quincy Adams from the select committee appointed on two messages of the President of the United States, in relation to the Smithsonian bequest, it was

Ordered, That the memorial of Charles Lewis Fleischmann be printed, and that the drawings accompanying the same be lithographed.

The following is the memorial:

PATENT OFFICE, WASHINGTON, *December* 8, 1838.

To the Honorable the Senate and House of Representatives of the United States of America in Congress Assembled:

The memorial of Charles Lewis Fleischmann, a citizen of the United States, respectfully represents:

That your memorialist had the honor of laying before Congress, at their last session, (see Doc. of the House of Representatives, 25th Congress, 2d session, No. 334,) a memorial on the subject of agriculture, in which he endeavored to show the utility and importance of establishing an agricultural school at the seat of Government; while, at the same time, he entertained doubts whether Congress were constitutionally empowered to effect so desirable an object. This object, however, can now be attained without involving any constitutional questions, as Congress has come into the possession of the Smithsonian legacy, for "*the diffusion of knowledge among mankind;*" a bequest bestowed in terms so general that it cannot fail to embrace the object of this memorial, and it is left solely to the wisdom of Congress to designate the particular branch of knowledge which they may please to select, for the purpose of carrying into effect the intention of the testator, and thus attain the end of his

enlightened philanthropy, and accomplish the object of his munificent benefaction.

As the Government are annually adding vast tracts of valuable lands to the public domain, Congress will doubtless regard the consideration of agriculture as among its first duties, as well as one of the most important means of promoting the welfare and prosperity of the country—a country blessed beyond all others by the bounty of nature and the patriotism of its citizens, and surpassed in the freedom of her institutions only by the diversity and fertility of her soil.

It is a self-evident proposition, that agriculture is the basis of civilization as well as population. A neglect of this great truth has doomed the aborigines of this country again to the desert, and dwindled down their countless hosts to a few feeble tribes—a few solitary and starving stragglers, roaming at large, like the beasts of prey they once pursued in the chase.

The Romans, though a warlike nation, considered agriculture as one of the chief sources of their wealth and welfare, and regarded its *systematical* pursuit as both honorable and patriotic. Cincinnatus was twice called from his plough to the consulship, and once to the dictatorship; returning each time again to his plough.

The American Cincinnatus, who has so well earned the title of "*Father of his country*," resembled the Roman patriot not less in his principles and pursuits than his fortunes and honors. Twice called to the chief magistracy of his country, and once to the chieftancy of her armies, he returned again and again to his plough.

The Governments of Europe in the 8th century, to save the soil from deterioration, and prevent emigration, were obliged to establish by law the "*three-field system*," viz: fallow, wheat or rye, and barley or oats; which may still be traced in France and Germany. To this law Europe owes her advanced state of civilization.

As the population became more dense, a higher degree of knowledge in agriculture was required, and several efforts were made to accomplish it: among others, the establishing of professorships in universities, to teach agriculture to statesmen, lawyers, theologians, and physicians. This gave rise to the perfection of agriculture as a science; but as universities are not calculated, in many respects, to educate agriculturists, agricultural schools were established, to illustrate theory by practice, which had the desired effect.

This brief historical sketch shows the gradual rise of

European agriculture, which the science of chemistry and physiology is now bringing to the greatest perfection.

Let us now compare the general system of agriculture of this country with that of Europe, and we shall find that the one adopted here is the system of deterioration and emigration.

That the effect of such a system will and must have a very injurious influence on the prosperity of a country, is obvious. Unfortunately, the cause does not arise alone from the insufficient knowledge of agriculture, but also from the passion for wealth.

Wealth has always been the object of the ambition of individuals as well as of nations, notwithstanding the sound arguments of moralists. This passion, however, kept in proper limits, gives impulse to prosperity; but as soon as it degenerates into wild speculations, it is then the greatest obstacle to the liberty, independence, and prosperity of mankind.

But when wealth is produced by agriculture, it banishes idleness and the vices connected with it; it renders the greatest portion of the population strong, healthy, and industrious; it is the source of domestic happiness and contentment, and of all the other social virtues; it renders nations powerful; it attaches its citizens to their native soil, and the success of the national affairs is their highest interest.

To direct the besetting passion for wealth properly, and to promote the prosperity of every individual as well as of the whole nation, it is necessary to teach the great mass of the population (the agricultural class) how to gain the greatest clear and annual profit, under all existing circumstances, from agriculture; and what will be the most efficient means of checking the rapidly increasing evil of exhausting and abandoning the soil.

The prosperity of the *whole Union* has not, hitherto, it seems, suffered by this system of unsteadiness; but that is no proof of the welfare of the separate States; for, in proportion as the far west improves and prospers, the Atlantic States are declining; and it shows that the welfare of a State depends on the stability of its cultivators, contented with their portion, and manifesting a determination to identify themselves with the land of their fathers, (not thirsting after supposed fairylands, cultivated without labor;) a living example of which is to be found in the wealthy sons of the keystone State, Pennsylvania.

It would be ridiculous to suggest the improvement of ag-

riculture in this country by laws, among a free, independent, and enlightened people, who are already aware of the want of instruction, and are seeking for it. The different State Governments, the agricultural societies, and the agricultural journals, have all signally promoted the interests of different branches of agriculture; it wants only the knowledge of the means of putting the improved parts of this great and useful machine together, so that every part may operate according to the law of science, to produce the desired effect.

A beginning only is wanted, and the science of agriculture will spread over the whole Union, like all useful improvements. Congress, always acting wisely for the welfare of their country, will doubtless apply a portion of the *Smithsonian legacy* to the promotion of agriculture, by establishing an *agricultural institution*, which would be *an enduring monument in honor of the testator.*

Your memorialist, therefore, presents a plan of such an institution, with designs for the buildings, and estimates for all the requisites.

Such an institution, being the first in the United States, would be the nursery of scientific agriculturists for the whole Union; their education should therefore be as perfect as possible, to enable them to qualify themselves to serve as directors, professors, and superintendents, for similar establishments.

This institution is calculated for one hundred pupils; and the number should be increased by degrees, from the profit of the farm.

The lectures should be free, and the price of board moderate, as half of the number of the pupils should be practically employed every day on the farm.

For the convenience of medical attendance in cases of sickness, together with the facility for attendance at Divine worship, this institution should be located within the boundary of the city of Washington.

AGRICULTURAL INSTITUTION.

The object of such an institution should be to show how to gain the highest clear and permanent profit from agriculture, under any circumstances.

That such results are not effected by the mere imitation of a certain tillage in every climate, of different soils and localities, is obvious; it needs, therefore, rules and laws, founded on experience and science. To design such rules and laws, it requires scientific and practical knowledge. Therefore, the institution of an agricultural school must be

theoretical and practical. The theoretical instruction has to extend not only to the principal and secondary departments, but also to all the auxiliary sciences which influence agriculture, directly or indirectly, viz:

PRINCIPAL DEPARTMENT.

I. *Agronomy*, the science which treats of the different primitive earths, and other substances of which the soil is composed, viz: silex, alumen, lime, magnesia, iron, vegetable matter, &c.

The naming of the soils, from the mixture of the primitive earths, and their value, as resulting from this mixture.

II. *Agriculture*, the science teaching the cultivation of the respective soils, in such manner as to produce the most perfect crops. This is divided into two parts:

1. *Chemical agriculture*, treating of—

a Manures in general; *b* Vegetable manures; *c* Mineral manures.

2. *Mechanical agriculture*, treating of—

a Agricultural implements.
b Modes of ploughing.
c The cultivation of new land.
d Fencing.
e Draining.
f Irrigation.
g Culture of meadows.
h Culture of pasture lands.

III. *Vegetable productions*, teaching the culture of—

a Cereal grasses.
b Leguminous field plants.
c Plants cultivated for their roots.
d Herbage plants.
e Grasses.
f Plants used in arts and manufactures: such as flax, tinctorial plants, oleaginous plants, hops, tobacco, medicinal plants, &c.
g The vine.
h The mulberry.
i Fruit trees.

IV. *Animals used or reared by the agriculturist*—

a Horses.
b Mules.
c Cattle—
1. Dairy.
2. Fattening.
d Sheep, and particularly the knowledge of the different kinds of wool.
e Breeding and rearing swine.
f Fowls.
g Silkworms.
h Bees.

V. *Economy*, or the manner of arranging and conducting a farm, treating of—

a Labor in general.
b Labor with horses and oxen.
c Labor performed by men.
d Conducting a farm.
e Book-keeping.
f The arrangement of a farm; the nature and quantity of manure required for a certain system of rotation of crops.
g Change of system.
h The different systems of rotations.

SECONDARY COMPARTMENT.

1. Veterinary.
2. Technological agriculture, such as the making of sugar from beets, making cider, burning lime, &c.
3. Culture of forest trees.

4. Agricultural architecture, and
5. Civil engineering, as connected with agriculture.

AUXILIARY SCIENCES.

1. Chemistry.
2. Natural philosophy.
3. Mineralogy and geology.
4. Botany and physiology of plants.
5. Zoology.
6. Study of the properties of the atmosphere.
7. Mathematical sciences—
   a Arithmetic.
   b Theoretical and practical geometry.
   c Mechanics.
8. Drawing of machines, animals, plants, and landscapes.

To illustrate the sciences, there should be—

1. An extensive farm, with a field for experiments, workshops, beet-sugar manufactory, mill, &c.
2. A botanical garden.
3. A collection of the best and most approved implements, or models of them.
4. A library.
5. A collection of minerals, properly arranged, according to their chemical characters, and with relation to their different soils.
6. An apparatus for mathematical and physical instruction.
7. A collection of skeletons of domestic animals, for the study of comparative anatomy and the veterinary art.
8. A collection of insects.
9. A collection of seeds.
10. A laboratory, with apparatus for chemical experiments.

THE FARM

Serves for the practical accomplishment of the theory. It is of the greatest importance to give a practical illustration of all the objects and manipulations treated of in the course of the lectures, and according to the different periods and seasons.

The husbandry of such an institution must, therefore, be extensive and complicated, so as to show all branches of agriculture in their full extent. The operations which are not possible to be shown on a large scale should be exhibited on the experimental field. It should contain:

640 *acres of land, for cultivation*, which should be divided

in two equal portions, to show two different systems of rotations. First, *a system* which has for its object to gain as many different products as possible, and to procure the manure by stallfeeding; a system which is favorable where labor and capital are plenty, land valuable, and a ready market for the vegetable and animal products.

Rotation for the above-mentioned system, viz: 1, sugar-beet, potatoes, turnips, &c., with manure; 2, barley; 3, clover; 4, wheat; 5, Indian corn, with manure; 6, wheat; 7, tares and oats; 8, rye.

The second system, favorable when labor and capital are scarce, land plenty, and the object *a grazing farm*. The rotation of crops for this system would be, viz: 1, Indian corn, with manure; 2, barley; 3, clover; 4, wheat; 5, grass; 6, grass; 7, grass; 8, oats.

As rotation of crops depends upon the soil, climate, and many other circumstances, two rotations are given here, for illustration, to enable us to estimate the probable want of cattle, &c.

100 *acres of meadow*, to show how natural meadows can be improved by draining, irrigation, manuring, &c.

80 *acres pasturage*, to show the difference between artificial and natural pasture, and the manner of improving it.

A vineyard of 4 *acres*, for the culture of the indigenous and foreign vine; the manner of making wine.

A hop-garden of 4 *acres*, to show the culture of the best kinds, the manner of taking the crop, drying, and bagging.

For experimental fields, 40 *acres*, to show the culture of all plants useful in agriculture; to try new kinds; and also for experiments on manure, rotation of crops, and new agricultural implements.

A vegetable garden, 6 *acres*, for the supply of the institution, and to show the different varieties of vegetables useful in husbandry, and the best culture of them.

A mulberry plantation of 6 *acres*, which should contain all the varieties of the mulberry, to show the culture of them, and would serve also to supply the cocoonery with leaves.

An orchard and nursery of 20 *acres*. The greatest portion of this area should be destined for a nursery to show the manner of raising and improving fruit trees. The fruits of the orchard should supply the establishment, and show the process of making cider.

500 *acres of wood-land*, to supply the establishment with fuel, and to show the culture of forest trees, (a knowledge very much wanted in the United States,) the manner of burning charcoal, &c.

A botanical garden of 3 *acres* should contain all indigenous plants, which might be probably useful, and introduced in agriculture; also, the imported plants and seeds from foreign countries, by our navy officers, consuls, &c.; the medical plants for husbandry, &c.

A BEET-SUGAR MANUFACTORY.

The recent improvement in extracting sugar from the beet-root has so much simplified the process, that it will undoubtedly become a general business, so that every farmer will produce his own sugar, or, at least, raise and dry the beet for market. The object of this institution should be to diffuse the knowledge of so important a discovery, and, therefore, it should have a manufactory for extracting the sugar from the root, raised for that purpose by the institution and neighborhood.

A MILL.

A large institution, of this description, should grind its own flour and corn-meal; consequently, it becomes necessary to erect a mill, with two pairs of stones, which will also serve to show the pupils the management and construction of mills.

WORKSHOPS.

To give the pupils a knowledge of the manner of constructing agricultural implements, as well as to enable them to estimate the costs of machines, buildings, &c., and to apply the acquired theoretical principles of mechanics practically, there should be five workshops, viz:

Machine shop,
Wagon-maker's shop,
Blacksmith's shop,
Cooper's shop, and
Carpenter's shop.

Each of these shops should be conducted by a skilful mechanic, who could attend to the work required by the establishment, as well as teach the pupils the use of tools.

The pupils should learn how to forge, to shoe a horse, to make a wheel, or wagon, to stock a plough, and to build out-houses. It is not intended to make them masters of these trades, but to enable them, in case of necessity, to construct anything belonging to a farm.

STEAM ENGINE.

The mill, the apparatus of the sugar-beet manufactory, the straw-cutter, the threshing machine, the machinery of the workshops, and the pump which supplies, through a

reservoir, the whole establishment with water, should be put in operation by an engine of 12-horse power.

BUILDINGS.

The buildings for such an object should be substantial, plain, and economical. To this establishment would be required, viz: an institute or main building, (see plan, Nos. 1 and 2.) The annexed plan (No. 3) shows: (*a*) horse stable, (*b*) ox stable, (*c*) calf stable, (*d*) hospital stable, (*e*) cow house, (*f*) dairy, root and steaming house, (*g*) piggeries and poultry house, (*h*) sheep shed, (*i*) barn and stack yard, (*k*) granary and cart shed, (*l*) shed for the grist mill, straw cutter, and threshing machine, (*m*) workshops, (*n*) beet-sugar manufactory, (*o*) engine with reservoir and pump, (*p*) bee house and cocoonery.

LIVE STOCK.

Working cattle.—Should the two given rotations of crops be adopted for 640 acres of land under cultivation, 14 horses and 24 oxen would be required to perform the necessary work.

For procuring the necessary manure for the two systems already mentioned, and to show the breeding, rearing, and fattening of live stock, extensively, there should be—

2 stud horses, (for light and heavy breeds.)
16 breeding mares, exclusive of the working horses.
160 neat cattle.
1,200 sheep.
50 swine.

The live stock should consist of the most choice foreign and native breeds.

IMPLEMENTS.

A collection of the most important and approved implements should be at hand, viz: swing and wheel ploughs, cultivators, horse hoes, sowing machine, harrows, rollers, horse rakes, reaping and mowing machine, carts and wagons, straw cutter, threshing machine, corn sheller, root chopper, harnesses, &c.

PERSONS REQUISITE TO MANAGE THIS INSTITUTION.

A Director, who should have the entire control over the whole establishment.

A Treasurer and two clerks, to keep the accounts, and attend to all the transactions of the institution.

For the tuition of the pupils, there should be *five professors*, and a *teacher* for the lower branches, exclusive of the direc-

tor, who should lecture on the higher branches of agriculture.

The practical manipulations are illustrated by—

A superintendent of the farm.

A superintendent of the stables, who also teaches riding and breaking horses.

A superintendent of the sugar-beet manufactory.

A machinist.

A gardener.

A shepherd.

The domestic affairs of the institution should be attended to by a steward.

The prosperity of such an institution depends entirely on the director, who must have received a theoretical and practical education at an agricultural school, and must have enriched his knowledge by extensive practice and by traveling. He should be acquainted with the principal living languages, to inform himself and his pupils of the progress of agriculture in other countries.

The professors should be well versed in their sciences, and acquainted with agriculture; as the tuition of a science, with regard to the practical applications, demands not only an entire knowledge of the sciences, but also of the object to which it is applied.

The superintendents of the different branches should be practical men, and free from the prejudice of book-farming.

Every individual connected with the establishment should possess the best moral character.

Conditions of admission.

Every applicant for admission should present a certificate of his moral character, and be examined, possessing an ordinary English education, and capable of comprehending a popular course of lectures. Physical strength being requisite to perform the work required on the farm, they should be at least of the age of 14 years.

The number of pupils should not exceed 100 at the commencement of the institution, and should be divided into three classes.

The free, or third class, not exceeding 20 in number, should obligate themselves to stay two years, and perform the work of the farm, where they should receive board and lodging free, every evening have a lecture on the work performed during the day, and also be exercised in reading, writing, and arithmetic. Their employment should be so arranged that every one may become acquainted with all

the different branches of the institution. Should the pupils of this class desire to enter a higher class after the first year, they should prove their capacity by an examination; and they will then be obliged, like the pupils of the second and first classes, to pay for board.

The second class, not exceeding 60 in number, should stay two years, to acquire a theoretical and practical knowledge of agriculture, and all the branches connected with it. The pupil of this class is obliged to attend to the different work every other day. Should a pupil of this class desire to enter the first class, he should be examined as to his capacity.

The first class, intended for 20 pupils. In this class should such pupils only be admitted as have been two years in the second class, and desire to perfect themselves as professors for similar establishments. The pupils of this class should have the superintendence of other pupils.

Order of the day.

The signal for the hour of rising and retiring, as well as for the different meals, and the commencement and termination of the work, should be given by a bell.

The hour for rising, in spring and summer, should be half past 4 o'clock; in fall and winter, half past 5 o'clock.

One quarter of an hour after rising, the bell should ring for breakfast; after which, the pupils proceed to their different occupations in the stables, field, barn, garden, workshops, &c., according to directions given the evening before.

At 10 o'clock a. m., the pupils should be summoned by the bell from their work, to their rooms, when they prepare themselves for dinner, and having a recess until 1 o'clock p. m., at which hour the pupils return to their work, during the spring, fall, and winter seasons; and at 3 o'clock p. m. during the summer season, according to the order of the day.

The bell should ring for supper during the spring, summer, and fall, at 6 o'clock; during the winter, at 5 o'clock; which would give recess till 7 o'clock, when supper should be ready.

After supper, at about eight o'clock, all the pupils should proceed to the museum, where the report of the day-work is read and illustrated; and, at the same time the order for the next day's work is communicated to the pupils who have remained at home. They remain till 9 o'clock, employed in writing their journals, and reading, &c., at which hour the bell should ring for bed.

Half of the number of the pupils should each day be

exempt from out-door work, and remain at home, engaged in theoretical studies. They assemble, after having taken breakfast with the rest of the pupils, at the museum, where they study their lessons. At 7 o'clock a. m. in fall and winter, and at 6 o'clock a. m. in summer and spring, they should proceed to the riding school and horse stable, where they receive lectures on horsemanship, and breeding horses, &c.

After this, they should return to the lecture rooms, where lectures on the different sciences are given until 11 o'clock.

At half past 11 o'clock a. m. they should take dinner with the rest of the pupils, and have recess until 1 o'clock, when the regular lectures recommence, till 6 o'clock p. m.

Supper at 7 o'clock, as already mentioned.

On Sundays the pupils will be accompanied to church by their professors.

Estimate of cost.

1,360 acres of land, fenced in, at $30 per acre	$40,800
The buildings, inclusive of the furniture of the institute	60,000
Live stock	20,000
Implements, harnesses, a large balance scale, &c.	5,000
Apparatus of the beet-sugar manufactory	4,000
Grist mill	1,500
Pump, water reservoir, and hydrants	800
Steam engine of 12-horse power	1,500
Tools, lathes for workshops	600
Library	1,500
Physical and chemical apparatus, collection of minerals, insects, skeletons, &c.	3,000
Floating capital	20,000
Making	$158,700

The expense for a steward, and servants required for the service of the pupils and professors, should be paid from the income of board.

The treasurer and clerks, the superintendents of the different branches of the farm, should be paid from the revenue of the farm, of the manufactory, &c.; and the surplus should be applied for the accommodation of more pupils, for the increase of the library, apparatus, &c.

The salary of the director should be	$2,000
The salary of five professors	5,000
And that of a teacher	600
Making	$7,600

exclusive of free board and lodging; which, together with the salaries, would require a capital of $140,000, at 6 per cent.

The total sum required for this institution would amount to $298,700.

CHARLES LEWIS FLEISCHMANN,
Graduate of the Royal Agricultural School of Barvaria,
and a citizen of the United States.

HOUSE OF REPRESENTATIVES, *January* 11, 1839.

A message from the Senate, that it had passed a resolution (No. 7) concerning the legacy bequeathed by Mr. James Smithson, of London, to the United States.

HOUSE OF REPRESENTATIVES, *January* 12, 1839.

The concurrent resolution from the Senate (No. 7) "concerning the legacy bequeathed by Mr. James Smithson, of London, to the United States, in trust, for an institution of learning, to be established in the city of Washington;" was read and concurred in by the House.

Mr. John Quincy Adams, Mr. Smith, Mr. Ogle, Mr. Charles Shepard, Mr. Holt, Mr. Thompson, Mr. Hunter of Ohio, Mr. Kennedy, and Mr. Garland of Virginia, were appointed said committee.

HOUSE OF REPRESENTATIVES, *January* 14, 1839.

On motion of Mr. KEIM,

Resolved, (the Senate concurring therein.) That the joint committee on the Smithsonian bequest be instructed to inquire into the propriety of establishing a professorship of the German Language, as a part of the literary instruction in the intended Smithsonian Institute.

HOUSE OF REPRESENTATIVES, *January* 26, 1839.

Mr. John Quincy Adams, from the joint committee on the Smithsonian bequest, reported the following resolutions, viz:

1. *Resolved*, That the sum of ——— dollars, being the amount deposited in the Treasury of the United States, proceeding from the bequest of James Smithson to the United States of America, for the purpose of establishing, at the city of Washington, an institution to bear his name, for the increase and diffusion of knowledge among men, together with what additional sum or sums may hereafter accrue from the same bequest, and so much of the interest as has become, or may become due on the first named principal sum, until the —— day of ——, ought to be constituted a permanent fund, to be invested in a corporate body of trustees, to remain under the pledge of faith of the United States, undiminished and unimpaired.

2. *Resolved*, That the said fund ought so to be invested that the faith of the United States shall be pledged for its preservation unimpaired, and for its yielding an interest, or income, at the rate of six per cent. a year, to be appropriated, from time to time, by Congress, to the declared purpose of the founder; and that all appropriations so made shall be exclusively from the interest or income of the fund, and not from any part of the principal thereof.

3. *Resolved*, That the first appropriations from the interest, or income, of the Smithsonian fund, ought to be for the erection and establishment, at

the city of Washington, of an astronomical observatory, provided with the best and most approved instruments and books for the continual observation, calculation, and recording of the remarkable phenomena of the heavens; for the periodical publication of the observations thus made; and of a nautical almanac for the use of the mariners of the United States and of all other navigating nations.

The said resolutions were read, and laid on the table.

Mr. John Quincy Adams, from the Joint Committee on the Smithsonian bequest, reported the following resolution; which was read and agreed to by the House, viz:

Resolved, (the Senate concurring herein,) That the Joint Committee of both Houses on the bequest of James Smithson be authorized to employ a clerk, and to cause to be printed such papers as they may deem necessary.

Ordered, That the clerk request the concurrence of the Senate in the said resolution.

HOUSE OF REPRESENTATIVES, *January* 28, 1839.

A message from the Senate, that the Senate have concurred in the resolution sent from this House to authorize the Joint Committee on the Smithsonian bequest to employ a clerk, and to cause to be printed such papers as the committee may deem necessary.

HOUSE OF REPRESENTATIVES, *February* 16, 1839.

Mr. John Quincy Adams, from the committee on the Smithsonian bequest, reported a bill (No. 1160) to provide for the disposal and management of the sum bequeathed by James Smithson to the United States, for the establishment of an institution for the increase and diffusion of knowledge among men; which bill was read the first and second time, and committed to the committee of the whole House on the State of the Union.

Mr. John Quincy Adams, from the same committee, reported another bill (No. 1161) to provide for the disposal and management of the sum bequeathed by James Smithson to the United States, for the establishment of an institution for the increase and diffusion of knowledge among men; which bill was read the first and second time, and committed to the committee of the whole House on the State of the Union.

[These bills appear in the Senate proceedings of February, 1839, as Nos. 292 and 293.]

PROCEEDINGS IN THE SENATE.

SENATE, *February* 13, 1840.

MR. CLAY, of Kentucky, presented the petition of the Kentucky State Agricultural Society, praying the endowment of an agricultural school or college out of the funds of the Smithsonian legacy; which was referred to the Committee on Agriculture.

PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES, *December* 30, 1839.

Mr. ADAMS, in pursuance of notice given, asked and obtained leave, and introduced a bill to provide for the disposal and management of the fund bequeathed by James Smithson, deceased, to the United States, for the establishment of an institution for the increase and diffusion of knowlege among men. Read twice, and referred to a select committee of nine members, viz:

Mr. John Quincy Adams, Mr. Ogle, Mr. Shepard, Mr. Garland of Virginia, Mr. Lewis, Mr. Albert Smith of Maine, Mr. Barnard, Mr. Corwin, and Mr. Campbell of South Carolina.

HOUSE OF REPRESENTATIVES, *February* 5, 1840.

The following memorial of the corporation of the city of Washington on the subject of the Smithsonian bequest, was referred to the select committee upon the subject to which it relates:

MAYOR'S OFFICE, WASHINGTON, *January* 15, 1840.

SIR: In compliance with the instructions of a committee appointed by the corporation of this city, to represent their interests before Congress, I have the honor to request you to present the enclosed memorial to the House.

The great interest you have taken in the subject to which the memorial relates, has induced the committee to make this request.

I have the honor to be, very respectfully, your most obedient servant,

PETER FORCE.

Hon. J. Q. ADAMS,
House of Representatives, U. S.

To the Senate and House of Representatives in Congress assembled:

The memorial of the undersigned, a committee appointed by the corporation of Washington, respectfully represents:

That they have been instructed to express to your honorable bodies the earnest desire of the city councils, as well as of Washington, that the benevolent design of the late James Smithson, of England, should be carried into execution as soon as practicable, by the establishment of an institution in their city for the diffusion of knowledge among men. As this is a matter which more immediately concerns the people of Washington, where,

according to the desire and instruction of the testator, the institution is to be founded, they necessarily feel a deep solicitude on the subject, and are anxious that Congress would take it into serious and immediate consideration, in order that the benefit intended to be conferred, may be enjoyed at as early a period as possible. They need not suggest that, in addition to the intellectual advantages of which the contemplated institution promises to be productive, it will be the means, they believe, of adding greatly to the reputation of the metropolis, and of giving to it a new source of attraction. Though this motive may appear to be selfish, it is nevertheless one which all who take an interest in the welfare and prosperity of the capital of their country, must necessarily feel. But your memorialists are influenced by loftier and philanthropic motives, in wishing to see the instructions of Mr. Smithson carried into effect. It is impossible to calculate the amount of good which an institution properly founded and judiciously organized, as they have no doubt this will be, is susceptible of promoting the improvement of the intellect, taste, and morals of the great community of this country; for though the fountain may be here, its streams will flow through all parts of the republic, and fertilize and improve its remotest borders. It is not for memorialists to point out the character of such an institution as should be established, in accordance with the design of him who made the bequest, because they know it is in much abler hands; and, therefore, it would be presumptuous in them to attempt it. All they desire, is to see it speedily commenced, and the design fully carried out; and in this desire, they believe they are joined by all who feel an interest in the diffusion of human knowledge, and the intellectual improvement of their fellow-men.

Your memorialists respectfully pray, that for the benefit of their countrymen, and the special advantage which will result from it to Washington, the subject may claim the immediate attention of Congress, and that a plan will be devised and adopted during the present session, which will accord with the intentions of the testator, and when carried into execution, be attended with all the blessings and advantages which are expected to flow from an institution already founded and wisely organized.

And so they will ever pray.

PETER FORCE.
CH. W. GOLDSBOROUGH.
GEO. WATTERSTON.
JOHN W. MAURY.
JOHN WILSON.
GEORGE ADAMS.
SAMUEL BYINGTON.

Mr. JOHN QUINCY ADAMS presented a memorial of Constantine S. Rafinesque, of Philadelphia, professor of historical and natural sciences, praying that the benevolent intentions of James Smithson may be speedily realized, by the immediate establishment of an institution for the diffusion of useful knowledge among men; which was referred to the select committee on the Smithsonian bequest.

HOUSE OF REPRESENTATIVES, *February* 27, 1840.

Mr. ADAMS asked Mr. CRABB (who was entitled to the floor) to give way to allow him to present a report from the select committee on the Smithsonian bequest. It was a subject which had excited a good deal of public interest; and he merely wished to make the report, and have it printed,

which would occupy but a few moments of the time of the House.

Mr. CRABB said if it was the universal consent of the House to receive the report at that time, he had no objection to give way for the purpose. But objection was made.

HOUSE OF REPRESENTATIVES, *March* 5, 1840.

Mr. JOHN QUINCY ADAMS, from the committee to which was referred the bill to provide for the disposal and management of the fund bequeathed by James Smithson to the United States for the establishment of an institution for the increase and diffusion of knowledge among men, reported an amendatory bill, accompanied by a report, which were committed to the Committee of the Whole on the state of the Union.

The report is as follows:

The Select Committee, to whom was referred the bill to provide for the disposal and management of the fund bequeathed by James Smithson to the United States, for the establishment of an institution for the increase and diffusion of knowledge among men, report the same with sundry amendments.

And inasmuch as the subject of this bill, and the bequest itself, and the institution to the establishment of which, at the city of Washington, it was devoted by the testator, involve considerations and principles other than those which usually regulate the legislation of Congress; and as the purposes of the bequest have, as yet, been but imperfectly made known to the people of the United States, and probably to a large portion of the members of the House, the committee submit to the indulgence of the House a statement of the material facts which have hitherto occurred in the tender of this fund to the United States of America, and their acceptance of it, and an exposition of the motives which have prevailed with the committee to propose the disposal of the fund, and the provisions for its maintenance and management, as they are set forth in the several sections of the accompanying bill.

Mr. Adams then quotes message of President Andrew Jackson, dated December 17, 1835, the correspondence of Mr. Vail and Clarke, Fynmore & Fladgate, James Smithson's will, &c., and then proceeds:

This message was referred, in the Senate, to their Committee on the Judiciary, which, on the 5th of January, 1836, presented a report favorable to the acceptance of the

bequest, and a joint resolution to authorize and enable the President of the United States to assert and prosecute, with effect, the claim of the United States to this bequest, in the court of chancery, or other proper tribunal of England. By this joint resolution, adopted on the 2d of May, 1836, the faith of the Government of the United States was pledged, that any and all sums of money which should be received for or on account of the said legacy should be applied to the purpose of founding and endowing at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men.

In the House of Representatives the same message of the President was, on the 21st of December, 1835, referred to a select committee of nine members, which, on the 19th of January, 1836, reported a bill, together with a statement of facts and principles connected with the origin and acceptance of this bequest, which the present committee ask leave to refer to the consideration of the House as a part of their own report.

Mr. Adams here quotes his own report of January 19th, 1836, and proceeds:

The bill accompanying this report was, in the House of Representatives, substituted in the place of the joint resolution which had been received from the Senate. It authorized the President of the United States to appoint an agent or agents to prosecute, in the court of chancery, in England, the right of the United States to the bequest of Mr. Smithson, and to recover and pay over the amount of the same into the Treasury of the United States. This bill passed in the House without opposition; was concurred in, without amendment, by the Senate; and, on the 1st of July, 1836, received the approbation of the President of the United States.

The third section of this act is in the following words:

"*And be it further enacted*, That any and all sums of money, and other funds which shall be received for, or on account of, the said legacy, shall be applied in such manner as Congress may hereafter direct, to the purpose of founding and endowing, at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men; to which application of the said moneys, and other funds, the faith of the United States is hereby pledged."

By virtue of this act the President of the United States did, shortly after its passage, appoint Richard Rush, of Pennsylvania, the agent for recovering the funds in England; which was accordingly done by a decree of the Eng-

of all their provisions for the disposal of the funds; and, finally, to organize an establishment which, by its ultimate results, would, in the impartial judgment of mankind, our own contemporaries, and of future ages, at once accomplish the glorious purpose of the testator—the increase and diffusion of knowledge among men; and justify to the eyes of posterity the confidence reposed in these United States by the testator, in selecting them for his agents and trustees to accomplish, when he should be no more on earth, his great design for the improvement of the condition of man.

A variety of projects for disposing of the funds had been presented by individuals, in memorials to the House, which were referred to the committee for consideration. No one of them appeared to the committee adapted to accomplish the purpose of the testator. They generally contemplated the establishment of a school, college, or university. They proposed expenditures, absorbing, in the erection of buildings, the capital of the fund itself, or a very large portion of it, leaving little or nothing to be invested as a perpetual annuity for future and continual appropriations, contributing to the improvement of future ages, as well as of the present generation; and in most of the projects there might be perceived purposes of personal accommodation and emolument to the projector, more adapted to the promotion of his own interest than to the increase and diffusion of knowledge among men.

The committee, from the earliest of their meetings, had agreed that, in the report to be made to the House, it should be recommended that no part of the funds should be applied to the establishment or support of any school, college, university, or ecclesiastical establishment. They had also agreed to recommend, as a fundamental principle for the organization of the institution and the management of its funds, that the capital amount of the bequest should be preserved entire and unimpaired, so invested as to yield an income of six per cent. a year; which income only should be annually appropriated by Congress, and a considerable portion even of those appropriations be constituted as funds, from the interest of which expenditures applicable to the purposes of the bequest might be provided for, and the capital of the bequest itself be annually rather increased than diminished.

While the committee of the House were engaged in deliberating upon the means of carrying into effect these principles by special enactment, to be proposed in their report, on the 12th of January, 1839, the subject was taken up for

consideration by the Senate of the United States. At the motion of a distinguished member of that body, the following joint resolution was adopted:

Resolved by the Senate, (the House of Representatives concurring,) That a joint committee be appointed, consisting of seven members of the Senate, and such a number of said House as they shall appoint, to consider the expediency of providing an institution of learning, to be established in the city of Washington, for the application of the legacy bequeathed by James Smithson, of London, to the United States, in trust for that purpose; also, to consider the expediency of a charter for such institution, together with the powers and privileges which, in their opinion, the said charter ought to confer; also, to consider the expediency of ways and means to be provided by Congress, other than said legacy, but in addition thereto, and in aid of said benevolent intention; and to report by bill or bills in the premises.

This resolution superseded at once all that had been done by the House and its committee upon the two messages of the President of the 6th and 7th of December, 1838. It contemplated an institution of learning at the city of Washington, the establishment of which should not only absorb the whole fund bequeathed by Mr. Smithson, but large appropriations of the public moneys of the nation.

In deference, however, and courtesy to the Senate, the House immediately concurred in their resolution; and the same members to whom, as a select committee of the House, the two messages of the President had been referred, were appointed the committee on the part of the House under the joint resolution.

Several meetings of the joint committee were held, and some discussion was entertained; but the propositions of the chairman of the committee on the part of the Senate were so widely at variance with the principles upon which the committee on the part of the House had previously agreed, that it soon became apparent that further joint deliberation offered no prospect of a result in which both committees would concur. The committee on the part of the House was notified that the chairman of the Senate's committee was authorized by them to propose any measure on their part which he might deem proper, and to agree to any joint report in which the committee on the part of the House might concur.

On the 26th of January, 1839, the chairman of the committee on the part of the House, by their direction, reported to the House the following resolutions:

Resolved, That the sum of ——— dollars, being the amount deposited in the Treasury of the United States, proceeding from the bequest of James Smithson to the United States of America, for the purpose of establishing, at the city of Washington, an institution to bear his name, for the increase and diffusion of knowledge among men, together with what additional sum

or sums may hereafter accrue from the same bequest, and so much of the interest as has become, or may become due on the first-named principal sum, until the —— day of ———, ought to be constituted a permanent fund, to be invested in a corporate body of trustees, to remain, under the pledge of faith of the United States, undiminished and unimpaired.

Resolved, That the said fund ought so to be invested that the faith of the United States shall be pledged for its preservation, unimpaired, and for its yielding an interest or income at the rate of six per cent. a year, to be appropriated from time to time, by Congress, to the declared purpose of the founder; and that all appropriations so made shall be exclusively from the interest or income of the fund, and not from any part of the principal thereof.

Resolved, That the first appropriations from the interest or income of the Smithsonian fund ought to be for the erection and establishment, at the city of Washington, of an astronomical observatory, provided with the best and most approved instruments and books, for the continual observation, calculation, and recording of the remarkable phenomena of the heavens, for the periodical publication of the observations thus made, and of a nautical almanac, for the use of the mariners of the United States, and of all other navigating nations.

These resolutions were ordered to be printed, and laid on the table for consideration.

On the 6th of February, 1839, the following resolutions were submitted by the chairman of the committee on the part of the House, to the joint committee, for consideration:

1. *Resolved*, That the education of the children and youth of these United States has for its object, not the *increase* and diffusion of knowledge among *men*, but the endowment of individuals of both sexes with useful knowledge already acquired, and suited to their respective conditions.

2. That the declared object of the bequest of James Smithson to the United States of America being the foundation, at the city of Washington, of an establishment 'for the *increase* and diffusion of knowledge *among men*,' no appropriation of any part of the fund to the purpose of educating the children or youth of these United States would fulfill the intent of the testator.

3. That the education of the children of these United States is a duty of solemn and indispensable obligation incumbent upon their parents and guardians, not for the increase and diffusion of knowledge among men, but to qualify them for the enjoyment of their rights, and the performance of their duties throughout life.

4. That the United States of America, having, by their Congress, accepted *as a trust* a large and liberal bequest from a foreigner, *for the increase and diffusion of knowledge among men*, and having pledged their faith for the application of the proceeds of that bequest to the declared purpose of the testator, would neither fulfill that purpose nor redeem their pledge, by appropriating a fund, devised for the benefit of mankind, to the education of *their own children*.

5. *Resolved, therefore*, That no part of the Smithsonian fund ought to be applied to the education of the children or youth of the United States, nor to any school, college, university, or institute of education.

After the meetings of the joint committee had ceased, the chairman of the committee on the part of the Senate, by virtue of the authority given him by his colleagues, presented to the committee on the part of the House counter-

resolutions, disapproving of the application of any part of the Smithsonian funds to the establishment of an astronomical observatory, and urging the application of them to the foundation of a university or institution of learning.

At a meeting of the committee on the part of the House, on the 13th of February, 1839, the above resolutions, which had been submitted to the joint committee on the 6th, were unanimously adopted by the members present at the meeting.

As it was thus ascertained that the views of the chairman of the Senate's committee could neither obtain the assent of the committee on the part of the House, nor be conformable to theirs, it was agreed that the chairman of the Senate's committee should prepare a bill which he would wish to have reported, and that the committee on the part of the House should also cause to be prepared a bill presenting the principles upon which they had agreed, and that both the bills should be reported together to both Houses of Congress for consideration. The two bills were accordingly reported to both Houses: to this House on the 16th of February, 1839, where they were twice read, and referred to the Committee of the Whole House on the state of the Union. They are numbered 1160 and 1161, among the bills of the House of the last session; but from the lateness of the time when they were reported, and the pressure of other indispensable or more urgent business, they were not taken up for consideration in the Committee of the Whole, and remained without further action of the House upon either of them at the close of the session.

The bill prepared by the chairman of the joint committee on the part of the Senate was taken up in that body on the 25th of February, and after full debate, by a vote of 20 to 15, laid on the table. On the 19th and 20th of February, the Senator who had been the chairman of the joint committee introduced in the Senate a resolution to authorize the mayor and city council of the city of Washington to prepare a plan of an institution, to be called the Smithsonian Institution, and to report the same to the Senate at the next session; which resolution was, on the 1st of March, 1839, laid on the table.

The bill prepared by direction of the joint committee on the part of the House, and reported to both Houses, was never acted upon by the Senate. The bill referred to this committee was nearly a transcript from it, and embraces the principles deemed by the committee of the House, which at the last session reported the bill, of primary im-

portance for the organization of the Smithsonian Institution, in the manner the most effective for accomplishing the purposes of the testator.

The first of these principles is, that the capital sum of the Smithsonian fund should be preserved entire and unimpaired, invested in such manner as to secure a yearly income of six per cent., and a perpetual annuity for yearly appropriation for all future time. The reasons for this are so obvious and so urgent, that it was scarcely to be anticipated they would meet with any deliberate opposition. The object of the testator's bequest is as comprehensive as the human mind, and as durable as the existence of the race of man upon earth. The increase and diffusion of knowledge is, in its nature, progressive to the end of time. An institution which should exhaust in its first establishment and organization the whole, or the principal part of the bequest, would necessarily be confined within limits exceedingly narrow, compared with the vast design of increasing and diffusing knowledge. It would also, as may be concluded from uniform experience, be unable for any long series of years to sustain itself, but would gradually sink into insignificance and apathy, or require continual support from public or private munificence. The Smithsonian fund exceeds half a million of dollars: by investing it safely, under the guaranty of the nation's faith, to yield a yearly income of six per cent., it places at the disposal of Congress a sum of more than thirty thousand dollars to be applied every year to any object promotive of the increase and diffusion of knowledge. The means of attaining this end will, from the very progressive nature of knowledge, vary from time to time. Knowledge, in her progress over the world of mind, pours, like the father of the floods, her waters into the ocean of time, swollen by the tributary accession of unnumbered streams.

This was among the principal considerations, connecting the first of these fundamental principles with the second—that no part of the Smithsonian fund, principal or interest, shall be applied to any school, college, university, institute of education, or ecclesiastical establishment.

There are in these United States ninety-five universities and colleges, besides high schools, academies, and common schools without number. The objects of all these institutions is one and the same—education from infancy to manhood. The subjects of instruction are all the departments of human science, from the primer and the spelling book to the theory of infinites and the mechanism of the heavens.

They are variously graduated, and adapted to the capacities and wants of the expanding mind, from the moment when the child becomes capable of receiving instruction to the full formation of adult age, and the preparation of the citizen for the performance of the duties of active life, and the exercise of the faculties thus acquired for the benefit of the individual himself and of his fellow creatures in the social relations of life. The ultimate object of them all is *instruction*—the communication of knowledge already possessed, and not the discovery of new truths, or the invention of new instruments for the enlargement of human power. This was evidently the purpose of Mr. Smithson: and this the committee of the House, which reported their bill at the last session of Congress, unanimously believed to be entirely distinct from that of the establishment of any institution whatever devoted to the education of children or of youth.

In this point of view, the bequest of Mr. Smithson assumed, in the opinion of the committee, an interest of the highest order, peculiar to itself, most happily adapted to the character of our republican institutions, and destined if administered in the spirit in which it was bestowed, to command the grateful acclamations of future ages, and to illuminate the path of man upon earth with rays of knowledge still gathering with the revolving lapse of time.

They believed that an institute of learning for education in the city of Washington was in nowise needed, there being already there a college with a charter from Congress, founded at great expense, provided with all the apparatus for scientific instruction, furnished with learned, skilful, and assiduous professors and teachers in every department of university studies, and yet scarcely able to sustain its own existence. In the adjoining town of Georgetown there is also a college; and there is, perhaps, no part of the United States where there is less occasion for the institution of a new university or college. By the express terms of the bequest, the Smithsonian Institution must be located at the city of Washington. A new university here could not fail either to prove useless itself, or to destroy the existing college, and materially to injure the neighboring college at Georgetown.

If, indeed, an institution of learning were a suitable object for the application of the Smithsonian fund, it would doubtless be practicable to engraft the existing Columbian College upon it, and thereby, instead of affecting injuriously its interests and prospects, to enlarge its sphere of

usefulness, and relieve it at the same time from the embarrassment under which it labors. But while it would be manifestly unjust to that college to establish in its immediate vicinity a rival institution more richly endowed from foreign funds, it might be deemed an application not less exceptionable of those funds to the relief or assistance of one particular establishment in this city, narrowing down the general purpose of increasing and diffusing knowledge among men to the special benefit and emolument of one over-burdened seminary of learning.

Among the reasons for discarding all institutions of *education* from the purview of the Smithsonian bequest, the committee of the House at the last season were not insensible to the consideration that the acceptance of a bequest, coupled with a trust for the increase and diffusion of knowledge among men, *by the United States of America*, imported a career of action in the execution of the trust more comprehensive in its object, more extensive in its design, and therefore more appropriate for the exercise of national powers, than the mere education of children.

The education of children is, in all civilized and Christian communities, in the first instance a solemn and imperative duty of their parents. It stands in the first rank of domestic and family duties; and so far as it connects itself with social relations, and becomes a subject of legislation, it belongs to that class of interests and concerns which, under our complicated system of government, are considered as exclusively confined to the authorities of the separate States. Whether Congress possess, under the Constitution, the power to establish a national university, is at least a matter of doubt; and although they have exclusive jurisdiction in all cases whatever over the District of Columbia, in which the city of Washington is situated, yet an *institute of learning* coextensive only with the District of Columbia must necessarily be confined, in all its administrations, as much within that District as the universities and colleges within the several States are limited by their respective jurisdictions. Nor did it seem to the committee altogether consistent with the self-respect of a great confederated nation to receive from the hands of a foreigner a liberal fund for the increase and diffusion of knowledge throughout the world of man, and apply it to the schooling of their own children.

The peculiar expressions used by the testator himself, in the indication of the ultimate result of his purpose, and the selection of his trustee, concur in confirming this view

of the subject. Had it been his intention to found a college or university for the purposes of education, it seems impossible that he should have avoided the use of words necessarily importing them: the words *school*, *college*, *university*, *institution of learning*, would have been those most appropriate to the specification of his design; and it is not imaginable that, having such an intention, he should studiously have avoided the use of every word most appropriate for its designation. *The increase and diffusion of knowledge among* MEN, present neither the idea of knowledge already acquired to be *taught*, nor of childhood or youth to be instructed; but of new discovery—of *progress* in the march of the human mind—of *accession* to the moral, intellectual, and physical powers of the human race—of dissemination throughout the inhabited globe.

And if *education* had been his design, why should he have selected the city of Washington for the seat of his institute, and the United States of America for his trustees? In the land of his nativity there were children and youth needing and destitute of the blessings of education, in multitudes far exceeding those which might have been found in the city of Washington, or throughout the North American Union. In the land of his habitation and of his decease there swarmed around him, ever present to his eyes, numberless children and minors, to whom an institute of learning would have been far more beneficial than it could possibly be to the children of the city of Washington, or of the whole United States. Mr. Smithson had no personal relations with this country; he had never visited its shores; nor from the provisions of his will, nor from anything that has been ascertained of his life, does it appear that he was ever intimate, or even acquainted, with any one native citizen of this Union. Why, then, should he devote the whole of an ample fortune to the education of a comparatively small number of children in a hemisphere distant from that in which he was born, had lived, and was to die, and with which he could have no sympathy other than that of a common nature, and common principles of moral and political truth?

Mr. Smithson's bequest was not to the city of Washington, but to the United States of America. His reason for fixing the seat of his institution at Washington obviously was, that *there* is the seat of Government of the United States; and *there* the Congress, by whose legislation, and the Executive, through whose agency, the trust committed to the honor, intelligence, and good faith of the nation, is

to be fulfilled. The peculiar powers by which Congress are enabled to discharge this trust in all its magnitude, are vested in them by their authority of exclusive legislation over the District of Columbia; but, in the execution of the TRUST, the obligation incumbent upon them by the will of the testator, and by their recorded pledge of the nation's faith, is so to organize, and so to superintend the conduct of the institution, as to spread the benefits to be derived from it not only over the whole surface of this Union, but throughout the civilized world.

The Smithsonian fund appeared to the committee of the House, which at the last session reported the bill, equivalent to a considerable yearly donation to the United States, to be expended in furnishing the means, and in rewarding the accomplishment, of new discoveries and inventions throughout the whole range of science and of art. The specific means of attaining directly or indirectly this end, are as various as the arts and sciences themselves, and as prolific as the imagination of man. Among the many establishments which were suggested to them, or which occurred to their own consideration, which would be strictly included within the express language of the will, and the undoubted intention of the testator, that upon which they rested as first deserving, and for a succession of several years, the application of the annual income of the fund, was an astronomical observatory of the most enlarged and liberal character, with provisions for the most effective continual observation of the phenomena of the heavens; for the actual calculations and periodical publication of the results of those observations, and for affording to the navigators of our own and of all other maritime nations our contribution of all the facilities which the detected secrets of the starry universe can furnish to the wandering pilgrim of this sublunary sphere. It was not the intention or expectation of the committee that the appropriations from the Smithsonian fund should be confined exclusively to this object. Far otherwise; the improvement of *all* the arts and sciences was embraced in the letter and in the spirit of Mr. Smithson's bequest; and that was one of the principal reasons which induced the committee to recommend, as a fundamental principle for the organization and conduct of the institution, that perpetuity and a regular income should be irrevocably secured to the fund, and yearly appropriations made only from the accruing income. A botanical garden, a cabinet of natural history, a museum of mineralogy, conchology, or geology, a general accumulating

library—all institutions of which there are numerous examples among the civilized Christian nations, and of most of which our own country is not entirely destitute—all are undoubtedly included within the comprehensive grasp of Mr. Smithson's design—all may receive, in turn, and with progressive utility and power, liberal contributions from the continually growing income of the trust. Nor did the committee believe that the moral or political sciences, the philosophy of language, the natural history of speech, the graces of polite literature, the mechanic or the liberal arts, were to be excluded from the benefits prepared for posterity by the perpetuation of this fund. Whatever personal preference Mr. Smithson may, during his life, have entertained for the cultivation of the natural sciences, no such preference encumbers his bequest, or is indicated by his will. It is KNOWLEDGE—the source of all human wisdom, and of all beneficent power—*knowledge*, as far transcending the postulated lever of Archimedes as the universe transcends this speck of earth upon its face—knowledge, the attribute of Omnipotence, of which man alone in the physical and material world is permitted to participate; the increase and diffusion of which among MEN is the result to which the ample fortune of Mr. Smithson is devoted, and for the accomplishment of which he selects the United States of America as his trustees, and their National Government as his agents. Let not, then, any branch or department of human knowledge be excluded from its equitable share of this benefaction; but it is believed that no one science deserves or requires the immediate application of the accrued and accruing income of the fund so urgently as practical astronomy.

The express object of an observatory is the *increase* of knowledge by *new discovery*. The physical relations between the firmament of heaven, and the globe allotted by the Creator of all to be the abode of man, are discoverable only by the organ of the eye. Many of these relations are indispensable to the existence of human life, and, perhaps, of the earth itself. Who can conceive the idea of a world without a sun, but must connect with it the extinction of light and heat, of all animal life, of all vegetation and production; leaving the lifeless clod of matter to return to the primitive state of chaos, or to be consumed by elemental fire? The influence of the moon—of the planets, our next door neighbors of the solar system—of the fixed stars, scattered over the blue expanse in multitudes exceeding the power of human computation, and at distances of

which imagination herself can form no distinct conception: the influence of all these upon the globe which we inhabit, and upon the condition of man, its dying and deathless inhabitant, is great and mysterious, and, in the search for final causes, to a great degree inscrutable to his finite and limited faculties. The extent to which they are discoverable is, and must remain unknown; but, to the vigilance of a sleepless eye, to the toil of a tireless hand, and to the meditations of a thinking, combining, and analyzing mind, secrets are successively revealed, not only of the deepest import to the welfare of man in his earthly career, but which seem to lift him from the earth to the threshold of his eternal abode; to lead him blindfold up to the council-chamber of Omnipotence; and there, stripping the bandage from his eyes, bid him look undazzled at the Throne of God.

In the history of the human species, (so far as it is known to us,) astronomical observation was one of the first objects of pursuit for the acquisition of knowledge. In the first chapter of the Sacred Volume we are told that, in the process of creation, "God said, let there be lights in the firmament of the heavens, to divide the day from the night; and let them be for signs, and for seasons, and for days and years." By the special appointment, then, of the Creator, they were made the standards for the measurement of time upon earth. They were made for more; not only for seasons, for days, and years—but for SIGNS. Signs of what? It may be that the word in this passage has reference to the signs of the Egyptian zodiac, to mark the succession of solar months; or it may indicate a more latent connection between the heavens and the earth, of the nature of judicial astrology. These relations are not only apparent to the most superficial observation of man, but many of them remain inexhaustible funds of successive discovery—perhaps as long as the continued existence of man upon earth. What an unknown world of mind, for example, is yet teeming in the womb of time, to be revealed in tracing the causes of the sympathy between the magnet and the pole—that unseen, immaterial spirit, which walks with us through the most entangled forests, over the most interminable wilderness, and across every region of the pathless deep, by day, by night, in the calm serene of a cloudless sky, and in the howling of the hurricane or the typhoon? Who can witness the movements of that tremulous needle, poised upon its centre, still tending to the polar star, but obedient to his distant hand, armed with a metallic guide, round

every point of the compass, at the fiat of his will, without feeling a thrill of amazement approaching to superstition? The discovery of the attractive power of the magnet was made before the invention of the alphabet or the age of hieroglyphics. No record of the event is found upon the annals of human history; but seven hundred years have scarcely passed away since its polarity was first known to the civilized European man. It was by observation of the periodical revolution of the earth in her orbit round the sun, compared with her daily revolution round her axis, that was disclosed the fact that her annual period was composed of 365 of her daily revolutions, or, in other words, that the year was composed of 365 days; but the shepherds of Egypt, watching their flocks by night, could not but observe the movements of the Dog-star—next to the sun, the most brilliant of the luminaries of heaven. They worshipped that star as a god; and losing sight of him for about forty days every year, during his conjunction with the sun, they watched with intense anxiety for his reappearance in the sky, and with that day commenced their year. By this practice, it failed not soon to be found that, although the reappearance of the star, for three successive years, was at the end of 365 days, it would on the fourth year be delayed one day longer; and after repeated observation of this phenomenon, they added six hours to the computed duration of the year, and established the canicular period of four years, consisting of 1,461 days. It was not until the days of Julius Cæsar that this computation of time was adopted in the Roman calendar; and fifteen centuries from that time had elapsed before the yearly celebration of the Christian paschal festivals, founded upon the Passover of the Levitical law, revealed the fact that the annual revolution of the earth, in her orbit round the sun, is not precisely of 365 days and one quarter, but of between 11 and 12 minutes less; and thus the duration of the year was ascertained, as a measure of time, to an accuracy of three or four seconds, more or less—a mistake which would scarcely amount to one day in twenty thousand years.

It is, then, to the successive *discoveries* of persevering astronomical observation through a period of fifty centuries that we are indebted for a fixed and permanent standard for the measurement of time. And by the same science has man acquired, so far as he possesses it, a standard for the measurement of space. A standard for the measurement of the dimensions and distances of the fixed stars from ourselves is yet to be found; and, if ever found, will

be through the means of astronomical observation. The influence of all these discoveries upon the condition of man is, no doubt, infinitely diversified in relative importance; but all, even the minutest, contribute to the increase and diffusion of knowledge. There is no richer field of science opened to the exploration of man in search of knowledge than astronomical observation; nor is there, in the opinion of this committee, any duty more impressively incumbent upon all human governments than that of furnishing means and facilities and rewards to those who devote the labors of their lives to the indefatigable industry, the unceasing vigilance, and the bright intelligence indispensable to success in these pursuits.

The committee will add, that at no period of human history has the general impulse of the learned world been more intensely directed to the cultivation of this science than in the present age. It was an observation of Voltaire, that if the whole human race could be assembled in one mass, from the creation of man to his time, in the graduation of genius among them all, Isaac Newton would stand at their head. But the discoveries of Newton were the results of calculations founded upon the *observations* of others—of Copernicus, of Tycho Brahe, of Kepler, of Flamsteed; and among their producing causes, not the least was the erection and establishment of the royal observatory of Greenwich.

The original purpose of this institution, first commenced in 1676, under the patronage of Charles the Second, and the most glorious incident of his life, was for the finding out the so-much-desired longitudes of places for the perfecting the art of navigation; and the inscription still existing above the original door of the observatory declares that it was built for the benefit of astronomy and navigation; so intimately connected together are the abstract science and the practical art, that, without the help of the astronomer, the seaman could not urge his bark in safety one inch beyond the sight of the shore.

The discovery of the longitudes of places, the benefit of astronomy and navigation, were thus the declared objects of the erecting of the Greenwich Observatory, and of the appointment, in the person of Flamsteed, of an *astronomical observator* with a salary of one hundred pounds sterling a year, leaving him to provide himself with all the instruments and books necessary for the performance of his duties. And what were the first fruits of this institution? 1. An increased accuracy of observation, by the attachment

of telescopes to graduated instruments, and by the use of a clock to note the time at which stars and planets passed, by their apparent diurnal motion, across the middle of the field of view of the telescope. 2. A catalogue of the places of 3,310 stars, with a name affixed to each of them, the selection and nomenclature of which have served as the basis to every catalogue since that time. Nor is it an uninteresting incident in the progressive history of astronomical knowledge, that when, one hundred years later, Herschel discovered that the star which bears his name was a planet, he found it as a fixed star upon the catalogue of Flamsteed. 3. Many of Flamsteed's observations of the moon, reduced as well as was then practicable, were, at Newton's request, communicated to him, to aid in perfecting the theory deduced from the principle of universal gravitation. "The time," as has been well observed by the present astronomer royal, the Reverend George Biddell Airy, "the time at which these observations were made, was a most critical one—when the most accurate observations that had been made were needed for the support of the most extensive philosophical theory that man had invented."

Since the death of Flamsteed, the office of astronomer royal has been successively filled by Doctor Halley, who has given his name to the most splendid comet of the solar system, by computing its orbit and predicting its return after a period of about 75 years, already twice verified; then by Bradley, immortalized by the two discoveries of the aberration of light, and the nutation of the earth's axis; by Bliss, Maskelyne, and Pond; the present successor of whom is Mr. Airy—like all his predecessors, among the most eminent astronomers of the age. For the space of nearly two centuries this institution has existed, and has been the seat of continuous observations, scarcely interrupted by the intervals between the cessation of the labors of one observator and the commencement of those of his successor; an arrangement made by the means of assistants, which has contributed to distinguish the system of observations pursued at Greenwich from that followed at every other observatory.

From such small beginnings originated, and thus illustrious has been the career of the royal observatory of Greenwich. Originally attached to the ordnance department, it was in 1816 or 1817 transferred to the department of the admiralty. The estimates for the annual expense of the observatory are inserted under the "scientific branch"

of the admiralty account in the Parliamentary estimates, and are voted annually by Parliament.

The committee of the House take the liberty of annexing to this report extracts of a communication from the present astronomer royal, Mr. Airy, received in the course of the last summer by their chairman, and containing much valuable information concerning the royal observatory at Greenwich, and relating to other astronomical observatories within the British dominions, and under the patronage of the British Government.

The history of the royal observatory of France would present an exhibition not less interesting of the benefits conferred upon mankind by the slightest notices bestowed by the rulers of mankind upon the pursuit of knowledge; and the names of the four Cassinis would range in honorable distinction by the side of those of Flamsteed, Halley, Bradley, and Maskelyne.

Within the last century the other governments of Europe have emulated with those of France and England in erecting and endowing astronomical observatories, the number of which, in that quarter of the globe, is not less at this time than 120, while throughout the whole range of these United States there is not one.

In the British islands alone, there are observatories at the universities of Cambridge and Oxford; at Edinburgh and Glasgow, in Scotland; and at Dublin and Armagh, in Ireland; all of which receive some patronage from the Government. And, in addition to which, there has been erected, under the same patronage, an observatory at the Cape of Good Hope, already made illustrious by the labors of Sir John Herschel.

Among the munificent patrons of science, and particularly of practical astronomy, adding a brighter lustre than that of the diamond or the ruby to the imperial crown, is the present Emperor of all the Russias. There was, during the reign of his predecessor, a small observatory at St. Petersburg, at which the eminent German astronomer, Schubert, author of a profoundly learned and also of the best popular system of astronomy extant, presided.

But no longer since than the 7th of August last, the inauguration took place of the new observatory of Pulkowa, near St. Petersburg; a spot selected by the Emperor Nicholas himself, for the establishment founded under his auspices, and constituting, perhaps, the most perfect and best appointed institution of this nature extant in the world. In November last, an account of this event, and a long and

detailed description of the observatory itself, was communicated by Mr. Arago to the National Institute of France; and the reporter of this discourse of Mr. Arago, in one of the periodical journals of Paris, observes that its details would be read with interest, and give an idea of the exertions made in that *land of serfs* for the progress of the sciences. We acknowledge, adds the journalist, that the reading of this article would have been very little flattering to our national self-love, if the Honorable Mr. Arago had not immediately informed us that, by the accomplished labors of Mr. Gambay, the observatory of Paris has no reason to shrink from a comparison with this new model of observatories at Pulkowa.

The committee of the House cannot but consider these circumstances as indicating, in an eminent degree, that intense and ardent thirst for the increase and diffusion of knowledge which, among all the nations of Christendom, however politically governed, forms one of the most remarkable characteristics of the age in which we live. Here is the sovereign of the mightiest empire and the most absolute government upon earth, ruling over a land of *serfs*, gathering a radiance of glory around his throne by founding and endowing the most costly and most complete establishment for astronomical observation on the face of the earth. This is undertaken and accomplished under hyperborean skies—in the region so proximate to the pole, that it offers to the inspection of the human eye only a scanty portion of the northern hemisphere, with an atmosphere so chilled with cold, veiled with clouds, and obscured with vapors, that it yields scarcely sixty days in the year when observation of the heavenly bodies is practicable. And this event is honorably noticed in the National Institute of France, one of the most learned and talented assemblies of men upon the globe—noticed as an occurrence in the annals of science—noticed for honor and for emulation. The journalist of a free country, applauding the exertions of a land of serfs to promote the progress of science, avows that he should blush for his own country, had he not at hand the evidence of her exertions not less strenuous for the advancement of the same cause.

The committee of the House, in applying to their own country that sensibility to the national honor which the French journalist attributes to self-love, would gladly seek for its gratification in the same assurance that she is not lagging behind in the race of honor; but that, in casting their eyes around over the whole length and breadth of

their native land, they must blush to acknowledge that not a single edifice deserving the name of an astronomical observatory is to be seen.

The bill reported by the committee of this House, at the last session of Congress, bears testimony to their earnest desire that this reproach might be removed from the people of the North American Union. That bill was unaccompanied with a report, because other views for the disposal of the fund bequeathed to the United States by Mr. Smithson had been entertained by the chairman of the joint committee on the part of the Senate, in which views his colleagues of the same committee acquiesced. As a compromise of irreconcilable opinions, it became necessary, therefore, to agree that the two bills should be reported together to both Houses; and as it was obvious that the remnant of time to the close of that session would be so absorbed by other and indispensable business that it would be impossible deliberately to discuss either of the bills in the House, and to avoid, in deference to the committee on the part of the Senate, and to their chairman, any unnecessary display of argument against their bill, it was reported by the committee of the House, together with their own bill, without commentary upon either. The object of the chairman of the committee on the part of the Senate, for the disposal of the Smithsonian fund, was the establishment of an *institution of learning*, or great national university, by the authority of Congress, which would not only absorb the whole bequest, but would require the superaddition of large and frequent appropriations of public moneys for its maintenance and support. The bill of that committee, reported to the Senate, was actually taken up in that body, and, after deliberate discussion of its merits, was by them rejected. The immediate consequence of the interposition of that body upon a subject which had been already several weeks under the consideration of a select committee of this House, was to prevent the possible action of Congress for the fulfillment, at that session, of the trust committed to them.

Four members of the committee of the House, at the last session of Congress, are also members of the present committee. Retaining their opinions in favor of the bill then reported by the committee on the part of the House, they see no cause to regret the delay to the final action of Congress upon the disposal of the bequest, occasioned by the appointment and proceedings of the joint committee of both Houses at the last session. To the faithful perform-

ance by Congress of the solemn duties imposed on them by the acceptance of this fund and trust to the honor and pledged faith of the nation, it was wise and just to do nothing with precipitation. The routine of the ordinary business of Congress furnished neither principle nor precedent for efficient legislation upon this subject: the trust was as delicate as it was important to the memory of the testator, and honorable to the good name of the trustee. An error in the first organization of the institution might, in its consequences, at once defeat the noble purpose of the founder, fail in the express object of his bounty—the increase and diffusion of knowledge among men; and react, most injuriously, upon the reputation of our beloved country, by demonstrating to the world of mankind, of this and after ages, that the generous confidence of this friend of man in *her* upright and intelligent ardor in the pursuit of knowledge was *misplaced.*

It was in the true spirit of the bequest itself that the settlement of the principles upon which the institution should be founded should be calm and considerate, and, above all, *disinterested:* separated from all projects of individuals, and, perhaps, communities, for provisions of emolument to themselves: separated from all speculative patent inventions and discoveries in embryo, which, after wasting time and money upon the false conceptions of genius, may never come to the birth: separate, in fine, from all schools, colleges, universities, institutes of *education*, or ecclesiastical establishments.

It was particularly desirable that the exclusion of all institutes for *education* from a participation in the disposal of these funds should be fully considered and debated before its adoption as a fundamental principle of the Smithsonian Institution, because the first impression upon the public mind, whether learned or illiterate, in this country, very extensively, was, upon the first publication of Mr. Smithson's will, that the express design of his bequest was to bestow his large fortune to the cause of education; and that a school, college, or university, was the only mode of providing for the increase and diffusion of knowledge among men.

It is, then, to be considered as a circumstance propitious to the final disposal of this fund, by the organization of an institution the best adapted to accomplish the design of the testator, that this first but erroneous impression of that design—an institute of learning, a university, upon the foundation of which the whole fund should be lavished, and yet

prove inadequate to its purpose without large appropriations of public moneys in its *aid*—should have been presented to the consideration of Congress, referred to a numerous joint committee of both Houses, there discussed, reported for the deliberation of both Houses, fully debated in the House where it originated, and there decisively rejected.

This committee concur entirely in the opinion of the committee of the House at the last session of Congress, that the express language of Mr. Smithson's will indicates a design not only distinct, but widely different, from the schooling of children. Besides the reasons assigned in the resolutions of the former committee for withholding any portion of these funds from any institute of education, it is apparent that the fund itself, large and liberal as it is, could be applied only to an establishment extremely partial and limited, not only with regard to the instruction to be given, but to the persons who could be benefited by it. For a national *university*, besides the utter inadequateness of the fund for such an establishment, all its benefits would necessarily be confined to a very small number of students from the city of Washington and its immediate vicinity, together with a number, scarcely larger, who, at an expense which none but the wealthy could afford, might resort from distant parts of the Union to Washington, for learning, which, after all, they could acquire with equal proficiency in the colleges of their own respective States. A school devoted to any particular branch of science—as, for example, a military or naval school; a farm school, or school of mechanic arts; a school of law, physic, or divinity; a school of mines, of natural history, of metaphysics, literature, morals, or politics—however effective for teaching these several branches of science, would be available only for a very small number of individuals, and very ill adapted to promote the increase and diffusion of knowledge among men. If *education* had been the peculiar object of Mr. Smithson's solicitude, it is natural to suppose that he would have been desirous of *diffusing* the benefits of his institution among all classes of the community as extensively as might be possible; that he would have devoted it to the endowment of primary schools; of infant or Sunday schools; of institutions, in fine, where the recipients of his bounty would have been at once in great numbers, and of the class of society which pre-eminently needs the blessing of elementary instruction. It would, no doubt, have been an excellent disposal of his ample fortune, and would indirectly

have contributed to the increase and diffusion of knowledge among men. But, had this been his design, he could neither have located his institution at the city of Washington, nor have selected for trustees and agents to fulfill his design the United States of America.

In proposing that an astronomical observatory should be the first object for the application of the annual income from the Smithsonian bequest, and that the appropriations should be confined to that object until an establishment of that character shall be completed, not inferior for efficiency to any other devoted to the same science in any part of the world, this committee have been not altogether uninfluenced by anticipations of the impression which it will make upon the reputation of these United States throughout the learned and scientific world. As a commercial and navigating nation, they stand already in the first rank of Christian communities. To the science of geography, so far as it can be improved by adventurous enterprise in exploring the unfrequented paths of every ocean, they have contributed their share of private and individual exertion. The expedition now floating upon a distant sea, in search of new discoveries upon the surface of the globe, affords a signal testimonial of the interest taken by this Government in the increase and diffusion of geographical knowledge. Nor has astronomy been wholly neglected in the instructions given for the conduct of the expedition. But there exists no permanent establishment throughout the Union for systematic continual observation of the phenomena of the heavens; for the mathematical calculations to furnish the practical results of observation; and for periodical publication, for the benefit of the commercial, navigating, and scientific world, of the fruits of this combined observation and calculation. To supply this deficiency, the bequest of James Smithson fortunately furnishes the means, without needing the assistance of any contribution from the public funds of the nation. Should the Government of the Union, responding to an impulse of emulation in laudable pursuits which may be kindled in the minds of this ambitious people, by successful results in the application of the Smithsonian funds, hereafter be disposed to appropriate some portion of the moneys levied upon the people themselves to the advancement of astronomical or geographical knowledge, there will be ample field for demonstrating to the world that the United States of America were not only worthy of the honor done them by a generous foreigner, in selecting them as the administrators of his bequest for the

improvement of the condition of man, but that the American people themselves will require a liberal application of their own revenues, levied upon themselves, to the same lofty-spirited purpose. The committee are of opinion that it will be expedient to keep the Smithsonian bequest within itself, resting upon its own resources, and reserving to the memory of the founder himself whatever of credit or of gratitude may be due to the successful accomplishment of his benevolent design. Not a ray of glory can be concentrated upon him, but will be reflected back upon those whom he selected as his administrators and trustees.

With these observations, the committee submit the bill and proposed amendments to the consideration of the House.

A BILL to provide for the disposal and management of the fund bequeathed by James Smithson to the United States, for the establishment of an institution for the increase and diffusion of knowledge among men.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Vice-President of the United States, the Chief Justice of the United States, the Secretaries of State, of the Treasury, of War, and of the Navy, the Attorney General of the United States, and the Mayor of the city of Washington, all during the time when they shall hold their respective offices, together with three members of the Senate and four members of the House of Representatives, to be annually elected by their respective Houses on the second Wednesday of December, and to continue in office until others are elected in their stead, shall be, and hereby are, constituted a body politic and corporate, by the style and title of the trustees of the Smithsonian Institution for the increase and diffusion of knowledge among men, with perpetual succession, and the usual powers, duties, and liabilities, incident to corporations.

SEC. 2. *And be it further enacted,* That the corporation so constituted shall have power to appoint, from citizens of the United States other than members of the board, a secretary and a treasurer, to hold their offices during the pleasure of the board, and removable at their pleasure, and others to be appointed in their places, and to fix their compensations. And the secretary and treasurer only shall receive pecuniary compensation for their services, and those of the members of the board of trustees shall be gratuitous. And the offices of secretary and treasurer may, at the discretion of the board of trustees, be held by the same person. The secretary and treasurer shall be sworn to the faithful discharge of the duties of their respective offices; and the treasurer shall give bond, with the penalty of fifty thousand dollars, with sureties to the satisfaction of the Secretary of the Treasury, for the safe custody and faithful application of all the funds of the Institution which may come to his hands or be at his disposal.

SEC. 3. *And be it further enacted,* That the sum of five hundred and eight thousand three hundred and eighteen dollars and forty-six cents, placed in the Treasury of the United States on the first day of September, eighteen hundred and thirty-eight, as the proceeds, in part, of the bequest of James Smithson to the United States, together with all sums which have been or may hereafter be realized, shall be passed hereafter to the credit of a fund, to be denominated the Smithsonian fund, in the Treasury of the United States. And the faith of the United States is hereby pledged for the preservation of the said fund undiminished and unimpaired, to bear interest at the rate of six per cent. a year, payable on the first days of Janu-

ary and July, to the treasurer of the board of trustees of the Smithsonian fund, to be applied to the purposes of the fund, conformably to the laws, and subject to the revision and regulations of the board of trustees.

SEC. 4. *And be it further enacted*, That no part of the said Smithsonian fund, principal or interest, shall be applied to any school, college, university, institute of education, or ecclesiastical establishment.

SEC. 5. *And be it further enacted*, That the appropriations to be made from time to time by Congress, to the purposes of the Smithsonian Institution, as declared by the testator, shall be exclusively from the accruing interest, and not from the principal, of the said fund: *Provided*, That Congress shall retain the power of investing, at their discretion, the principal of said fund in any other manner, so as to secure not less than a yearly interest of six per cent.

SEC. 6. *And be it further enacted*, That the sum of thirty thousand dollars, part of the first year's interest accruing on the same Smithsonian fund, be, and the same is hereby, appropriated towards the erection and establishment, at the city of Washington, of an astronomical observatory, adapted to the most effective and continual observations of the phenomena of the heavens; to be provided with the necessary, best, and most perfect instruments and books, for the periodical publication of the said observations, and for the annual composition and publication of a nautical almanac.

SEC. 7. *And be it further enacted*, That the said observatory shall be erected under the direction of the Secretary of the Treasury, subject to the approbation of the President of the United States. And the site for the same shall be selected upon land, in the city of Washington, belonging to the United States; and the land necessary for the same, and for any other buildings proper to be connected with the said observatory and the appurtenances thereof, is hereby granted, and shall be duly conveyed, as a deed of gift, to the trustees of the Smithsonian fund, and to their successors forever, in aid of the purposes of the said Institution.

SEC. 8. *And be it further enacted*, That all expenditures made by the said board shall be subject to the approval of the President of the United States; and all the accounts thereof shall be reported to the Secretary of the Treasury, and audited, under his direction, by the proper officers of the Treasury Department; and the said board shall report to Congress, at every session thereof, the state of the Smithsonian fund, and a full statement of their receipts and expenditures during the preceding year.

SEC. 9. *And be it further enacted*, That the first meeting of the trustees of the Smithsonian fund shall be held at the city of Washington on the third —— of —— next; and that, in the mean time, the custody of the said fund, and the expenditures under the appropriation herein made, shall be held and authorized by the Secretary of the Treasury, subject to the approbation of the President of the United States.

SEC. 10. *And be it further enacted*, That there shall be a board of visitors, to be annually appointed, consisting of nine members; two of whom to be commissioned officers of the army, to be appointed by the Secretary of War; two commissioned officers of the navy, to be appointed by the Secretary of the Navy; the mayors for the time being of the cities of Alexandria and of Georgetown, within the District of Columbia; and one citizen of each of the cities of Washington, and Alexandria, and Georgetown, to be appointed by the President of the United States; who shall meet on the first Monday of February, at eleven o'clock, before noon, at the said astronomical observatory, and visit and inspect the condition of the said observatory, and of the Smithsonian Institution generally. They shall choose among themselves a chairman, and shall make report to the President of the United States of the said condition of the institution; specifically indicating in what respect the institution has, during the preceding year, contributed to the purpose of the founder—the increase and diffusion of knowledge among men. To this board the astronomical observator shall make a report to the same effect, so far as regards the astronomical branch

of the institution; which report shall be annexed to that of the board to the President of the United States, who shall communicate the said reports to Congress. The services of the members of the said board shall be gratuitous; but the expenses incidental to their meeting and the performance of their duties shall be included in the annual estimates of the War and Navy Departments, alternately, and paid from the contingent expenses thereof respectively.

SEC. 11. *And be it further enacted*, That there is reserved to Congress the right of altering, amending, adding to, or repealing, any of the provisions of this act, which shall be found inconvenient upon experience: *Provided*, That no contract or individual right, made or acquired under such provisions, shall thereby be impaired or divested.

SEC. 12. *And be it further enacted*, That the sum of sixty thousand dollars from the second and third years' interest of the Smithsonian bequest be, and the same is hereby, appropriated, to be invested so as to yield a yearly income at the rate of six per cent. a year; from which yearly income shall be paid the compensation of an astronomical observator, to be appointed by the President, by and with the advice and consent of the Senate of the United States, and the incidental and contingent expenses of repairs upon the buildings, as they may be required.

APPENDIX.

Estimate of the expense of erecting an astronomical observatory of the first class, and of supporting it by appropriations from the income of the Smithsonian fund.

In the letter of 11th October, 1838, to the Secretary of State, communicated to Congress with the message of the President of the 6th of December of that year, a conjectural estimate was given of the expense of establishing and maintaining a permanent astronomical observatory, and of the periodical publication of the results of the observations there made, and of a nautical almanac. That estimate contemplated the income of seven years of the fund as indispensably necessary for completing and organizing the establishment in such manner as to avoid all encroachment on the capital of the Smithsonian fund; to increase it by providing from its income permanent funds for the discharge of the most of constantly accruing expenditures incident to it; and to relieve the fund itself forever after from any further contribution to *this* branch of the institution.

Further reflection, and the information received of the expenses actually chargeable upon the Greenwich Observatory, and defrayed by the British Government, have led to the conclusion that the estimate was yet not sufficiently liberal; and that, for the accomplishment of the above purposes, not less than ten years of the income will be required exclusively for this object. But, of this large sum, an overbearing proportion will, while providing for all the necessary expenses of the establishment, at the same time increase the capital of the fund by the value of the buildings erected, and of the instruments and books purchased, and by the amount of the funds, from the interest of which the observing astronomer, his assistants, and all the persons to be employed in the service of the observatory, shall receive their compensation. The following is a gross estimate of the sums which, it is believed, will be required for the full execution of the plan presented in the bill herewith reported:

Estimate of the appropriations from the annual income of the Smithsonian fund, assumed to be thirty thousand dollars.

For the purchase of land, and construction of the necessary buildings—one year	$30,000
For a fund, from the yearly income of which the compensation of the observing astronomer shall be paid, two years	60,000
The interest of this sum will be $3,600 a year, of which $3,000 a year may be fixed as the salary of the astronomer, and $600 for the incidental and contingent expenses of repairs upon the buildings, as they may be required.	
For a fund, from the yearly income of which four assistants to the astronomer, and two laborers necessary for attendance on him, for the care and preservation of the buildings—four years	120,000
The income would be $7,200 a year, of which $6,000 a year might be for the compensation of four assistants, at $1,500 a year each, and two laborers, each at $600 a year.	
For the purchase and procurement of instruments—one year	30,000
Of this, $20,000 might be applied to furnish an assortment of the best instruments to be procured, and $10,000 a fund, from the interest of which other instruments may be from time to time procured, as occasions for the use of them may arise, and for repairs of the instruments, as needed.	
For the library—one year	30,000
$10,000 for first supply; $20,000 for a fund for an income of $1,200 a year, for a constant supply of new works and periodical publications upon science in other parts of the world, or in America.	
Estimate for a fund, from the income of which $1,800 a year shall be defrayed—the expense of the yearly publication of the observations, and of a nautical almanac—one year	30,000

John Q. Adams to Christopher Hughes.

WASHINGTON, *April* 10, 1839.

DEAR SIR: I wish to obtain information upon the following points relating to the royal observatory at Greenwich:

1. By whom, and at whose expense, was the royal observatory at Greenwich built? At whose expense is it maintained?

2. What are the buildings connected with it, and how much land is there around it belonging to it?

3. Has it at any time been rebuilt, or has its construction been in anywise altered?

4. By whom is the astronomer royal appointed and paid? What is the amount of his compensation?

5. What are his duties? and in what manner are they prescribed? Is there a standing instruction to regulate his observations? Is he required to make reports? and, if so, to whom?

6. Are there any other persons attached to the observatory as assistants, calculators, or servants? If so, what are their duties and their compensation?

7. What are the instruments used at the observatory? By whom, and at whose expense, are they furnished? What was their cost, and by whom were they made? A list of them, with their prices, and their maker's name, would be very acceptable.

8. Is there any library belonging to the establishment? If so, consisting of what books?
9. Who is now the most eminent mathematical and astronomical instrument maker in London? Is there any successor to Troughton?

If you can obtain me any information of the same, or similar particulars with regard to any of the public observatories in any part of the continent of Europe, I shall owe you another obligation for the communication of them.

I am, my dear sir, with the highest esteem and respect, your friend and servant,

JOHN Q. ADAMS.

CHRISTOPHER HUGHES, Esq.

Answers by the Astronomer Royal, the Rev. George B. Airy, to Mr. Adams' questions, dated 10th April, 1839.

1. The royal observatory at Greenwich was built, at the expense of the Government, in the reign of Charles II, (about 1670,) and the buildings have always been repaired or extended at the expense of the Government. The instruments used by Flamsteed, the first astronomer royal, were not furnished by the Government, and were taken away by his executors. Since that time, the instruments have always been furnished by the Government, except in two instances where instruments have been presented. The observations are now printed at the expense of the Government. Thus every expense connected with the observatory is defrayed by the Government. The observatory was at first connected with the ordnance department of the executive, (I believe from the accidental circumstance that Sir Jonas Moor, the personal friend of Flamsteed, and one of the original proposers of the observatory, was then master-general of the ordnance.) In the year 1816 or 1817 it was transferred to the admiralty department. The estimates for the annual expense of the observatory are inserted under the "scientific branch" of the admiralty account in the Parliamentary estimates, and are voted annually by Parliament.

In the original institution of the observatory, no provision was made for the printing of the observations, or for the communication of the results to the public in any way, and no obligation to that effect was imposed on the astronomer royal. When Flamsteed had held the office about thirty years, and had published nothing, the Royal Society applied to the Queen to appoint a board of visitors (one of them being Sir Isaac Newton, the President of the Royal Society) to superintend the observatory generally, and with power to require a publication of the observations. (For a full detail of the quarrel which followed, I would refer to Baily's *Account of the Life &c., of John Flamsteed,* which may probably be found in the libraries of the scientific bodies in America.) An edition of the observations was printed by them; but another edition was afterwards printed by Flamsteed himself. Halley, the next astronomer royal, printed nothing of observations. Bradley and Bliss left manuscripts; but the right of the Government to them was disputed, and they were ultimately printed by the University of Oxford. It was not till 1767, on Maskelyne's accession, that the King, (George III,) on the petition of the Royal Society, ordered that the observations should be printed annually; and since that time there has been no doubt that the observations are the property of the Government, and are to be printed annually.

The board of visitors above alluded to existed without alteration (as I believe) till 1830; and it was by that board (as I imagine) that representations were made to the Government which led to the purchase of instruments in Halley's time, to the regular printing of the observations in Maskelyne's time, &c. The president and council of the Royal Society, (or

part of them,) with a number of persons invited by them, either fellows of the society or strangers, met once a year at the royal observatory, inspected the instruments, and discussed the general business of the observatory. They had, I believe, no power, except to recommend measures to the executive. The meeting was rather numerous. In 1830 the old board was abolished, and a new one appointed, by name, from the Royal and Astronomical Societies.* Vacancies are filled up by the president of that society in which the vacancies occur. This board has no power to invite assessors; its powers, as to making representations, &c., are the same as those of the old board. On the first appointment of the new board, there was exhibited in it a rather vexatious spirit towards the then astronomer royal, (Mr. Pond.) Since my appointment as astronomer royal, the board has scarcely interfered in any thing, except in matters which I have myself suggested.

The visitors receive no pay. Lately it has been ordered that their bare expenses be paid.

I have given a rather comprehensive answer to No. 1, touching upon the subjects of other questions, and embracing points not at all alluded to in the questions, because, probably, there is no other active institution whose history serves so well to suggest the points to which attention ought to be given in founding a new institution of similar character, as well as the amount of the charges which, in future years, may be required in all the branches of the institution.

I omitted to mention that the astronomer royal's account of disbursements, and bills for expenses of all kinds connected with the observatory, were formerly audited by the board of visitors. This audit was found to be insufficient; and the accounts are now transmitted, in the same way as those of any other department under the admiralty, to the Government offices.

2. For a plan of the building first erected, I refer again to Baily's *Account, &c.*, cited above. There were a small house, one large room above it, covering nearly the whole house, with lofty windows on all sides, intended, I suppose, for gazing astronomical observations, (but quite useless for the purposes of modern astronomy,) a garden or lawn about 80 feet square, and a small low building in one corner of it, in which Flamsteed's really useful instruments were placed. The place was very small. The situation, in the middle of the royal park of Greenwich, has probably prevented the necessity for enclosure so large as would elsewhere be required, inasmuch as it was impossible that houses could be built close to the enclosure. The history in Halley's time is so defective, that I am not certain whether the building, which is to this time the principal observing building, was erected then or not, but I should think that it was; it was certainly erected before 1750, when Bradley's regular observations begin. It consists of a room about 20 feet square for the transit, and a similar room for the quadrants, (both on the ground floor, and with no rooms above them,) and a central computing room, with room for an assistant above. It is not connected with the dwelling house. When this was erected, the enclosure was nearly doubled. In Dr. Maskelyne's time, two small detached rooms were covered with revolving domes, for equatorial instruments; their situation is particularly unfavorable. In the beginning of Dr. Maskelyne's time, the dwelling house was extended. About the end of Dr. Maskelyne's time, the observing building was extended, in preparation for a mural circle, which was not erected till after his death, and some new buildings were erected for library, &c., and for assistant's apartments; a building was erected, to be covered with a revolving dome, (called

* With a few official persons, as the presidents of the two societies, two professors of the University of Oxford, and two professors of the University of Cambridge, *ex officio*; the whole number of the visitors being about nineteen. This fluctuates, because all ex-presidents are members of the board.

the south dome;) an addition was made to the enclosure. The whole enclosure was now about half an acre; it covered the whole of the small steep hill on which the observatory stands, quite to the isthmus or neck that connects it with the table land of the higher side of the park. About 1817, part of the steep dell behind the hill was enclosed as a garden for the astronomer royal. In 1837, part of the table land beyond the dell was enclosed, for the erection of a magnetic observatory. The dwelling house, which was too small, was enlarged in 1836. Thus the present state of the buildings and grounds (1839) is nearly as follows: Whole enclosure about 2¼ acres, of which 1 acre, or more, can never be available for buildings, on account of the steepness of the ground, and is used as a garden and waste ground. Whole set of buildings: 1. Dwelling house of the astronomer royal, with the great room above part it; 2. Two domes, (east and west domes,) detached; 3. Detached range of buildings, including Flamsteed's small room, the quadrant room, (not used now,) the transit room, the circle room, the library, the chronometer room, the south dome, the computing room, some assistants' apartments, (not for their dwelling, but for their comfort or repose in the intervals of observation;) 4. Magnetic observatory, detached; 5. Carpenter's shop, gardener's shop, and other out-houses.

The extent of ground would not be sufficient, if there were not the safety from being surrounded by buildings, which is given by the locality within a royal park.

3. The construction of the observatory has been altered almost entirely, by additions; nearly the whole of the original work remains. The collection of buildings is now exceedingly irregular, and in some respects inconvenient.

4. The astronomer royal is appointed by the First Lord of the Treasury; but his connection with the admiralty is so close, that the First Lord of the Admiralty probably has the principal influence in his appointment. He holds his office by warrant, under the sign manual of the sovereign. The salary was formerly £100. Bradley and Bliss both held it with professorships at Oxford; but the salary has gradually been raised, and is now £800, (subject to a deduction for a fund for superannuation,) and it is expected that the astronomer royal shall hold no other office.

5. The duties of the astronomer royal are not very definite; but, undoubtedly, he is to attend to the *main* points of astronomy, to the best of his judgment, rather than to anything of a *discursive* nature. The appointment originated in the desire of discovering means of finding the longitude at sea; and, therefore, anything applying to longitude would specially require his attention. In this way the trials of chronometers first became a part of his duty; from which, by degrees, it arose, that the care and regular supply of chronometers for the royal navy were imposed upon him, to the great injury of the astronomical efficiency of the observatory. Lately, the chronometer business has been confined to rating the chronometers on trial for purchase, or navy chronometers brought on shore, with occasional supplies of chronometers to ships by direction of the admiralty, and with general superintendence of the repairs.

The duties are prescribed: first, by the Queen's warrant, which merely directs the astronomer to apply himself with diligence to observing the heavenly bodies, for finding out the so-much-desired longitude at sea; (the same words as in the warrant originally given to Flamsteed;) second, by the official instructions given by the admiralty board, (who have been empowered to issue instructions by the Queen in council,) which enter a little more minutely into the duties, but necessarily leave the course of astronomical observations very indefinite.*

The board of admiralty sometimes call on the astronomer royal for a

*The board of visitors are empowered by their warrant, under the royal sign manual, to direct the astronomer royal to make such observations as they may think fit; but I am not aware that they have ever exercised this power.

report, but it is rather upon such matters as the state of the buildings and instruments, the conduct of the assistants, &c., than upon the nature of the astronomical observations.

I have myself introduced the rule of reading a report to the board of visitors at their annual meeting at the observatory, applying as well to the astronomical labors as to the general occurrences at the observatory; and this report they have, each year, ordered to be printed. (Copies accompany this paper.) If this custom be continued, there will, probably, be found a more complete series of annals of the observatory than has hitherto existed.

6. Besides the astronomer royal, there are six assistants, and a laborer, and a watchman; also a gate porter, (some old sailor from Greenwich hospital.) The duties of the assistants are, to observe, and compute, entirely under the direction of the astronomer royal. None of these persons reside within the precincts of the observatory, or even within the park. They find houses for themselves, from the salaries mentioned below, (part of the salary being considered as compensation for want of dwelling-house.)

The salaries are: first assistant, £350; second assistant, £220, (in future instances this is to be £190;) third assistant, £190; fourth, fifth, and sixth assistants, £130 each; laborer, £43; gate porter, £15 12*s.*; watchman, £32 10*s.*

7. The instruments in use at this time are: a transit instrument, ten feet long, constructed by Troughton, bought by the Government; price, I think, £300.

Mural circle, six feet diameter, constructed by Troughton, bought by the Government; price, I believe, £600.*

Zenith tube, or zenith sector, of small range, for the observation of Draconis only, which passes very near to the zenith of Greenwich; purchased by the Government. I know not the price.

The eastern equatorial, or Shuckburg's equatorial, constructed by Ramsden; presented by Lord Liverpool.

The western equatorial; a very worthless instrument.

The southern equatorial, or Sheepshank's equatorial. The object-glass made by a Parisian artist, (I think by Cauchoix;) presented by the Rev. R. Sheepshanks; the mounting by Mr. T. Grubb, of Dublin, at the expense of the Government; its cost £205.

Several telescopes; prices unknown—some probably exceeding £100.

Several clocks; the most expensive cost, I believe, £200.

I ought not to omit that there is machinery for raising a large ball, (five feet in diameter,) on the top of the house, and dropping it precisely at 1 o'clock every day as a signal by which the chronometers on board the ships in the river Thames may be rated. It was erected at the expense of the Government; I know not the cost.

Besides these, there is the magnetic apparatus, yet imperfect; the expense hitherto incurred has been £30 or £40.

8. There is a library, covering the walls of a room twenty feet square. It consists principally of the transactions of societies, of mathematical and astronomical works, works on the literature of astronomy, nautical astronomy, voyages, &c. In these respects it is a very good library. It has been collected, partly at the expense of Government, and partly from the presents of private persons and official bodies.

9. The best instrument-makers in London, at the present time, are William Simms, (successor of Troughton, formerly his partner,) 136 Fleet street; Thomas Jones, 62 Charing Cross; George Dolland, 59 St. Paul's churchyard. Dolland is principally known for his telescopes and optical instruments; he has had little experience in the construction of large grad-

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* Another mural circle of the same size, constructed by Jones, has lately been sent from the royal observatory to the Cape of Good Hope.

uated instruments. I know no maker who can be considered as successor to Troughton in originality and boldness of ideas.

The whole annual expense of the observatory to the Government, including salaries, additions and repairs to buildings, additions and repairs to instruments, and printing, exceeds £3,000.

Miscellaneous information relating to other observatories.

1. The observatory at Cambridge was built, partly by private subscription, partly by grant from the funds of the university, in 1820, at an expense of about £20,000. It is maintained at the expense of the university.

That at Oxford, I believe, was built from the funds bequeathed for that purpose by Dr. Radcliffe.

Those at Edinburgh and Glasgow were commenced by private subscription, and afterwards assisted by the Government.

That at Armagh was built from funds bequeathed.

That at Dublin in like manner.

I know not how those of Oxford, Armagh, and Dublin, are maintained; but I believe that the salaries of the observers, as well as the general support and repairs of the buildings and instruments, are defrayed from the bequests.

2. In the whole of these, (Glasgow excepted, which is not much advanced,) there is a dwelling-house for the astronomer, and in some there are dwellings for assistants; connected in all cases by building under the same roof, or by enclosed passages, with the observatory.

The enclosure of land about the Cambridge observatory is seven acres.

That at Oxford, a field, perhaps not so large.

That at Dublin, about thirty acres.

The new Russian observatory, at Pulkowa, about fifty acres

3. I do not think that either of the observatories which I have mentioned has undergone great alteration. The Cambridge observatory, built in 1820, has not itself undergone any alteration; but, on occasions of the presentation of a large telescope, (20 feet long and 12 inches in aperture,) a new detached building was erected for it. I may remark, that the Cambridge observatory was built on a plan architecturally symmetrical; which arrangement I should deprecate in any new observatory, on account of the difficulties which it presents to all future alterations.

4. The astronomer at Cambridge is the Plumian professor. This officer is elected by the trustees of the estate bequeathed by a Dr. Plume, and is paid by the rent of the estate, amounting to about £300 per annum. When I was elected to that office in 1827, I represented to the senate of the Cambridge University that this sum was not sufficient remuneration for the duties of the observatory, and the senate increased the payment to £500 by annual grant from the funds of the university.

The astronomers at Oxford and Dublin are appointed by the trustees of certain estates, and are paid from their rents. I believe that the astronomer at Armagh is elected and paid in the same manner.

For the appointment of the astronomer at Edinburgh, the consent of the Government is necessary. I know not how he is paid.

5. I do not think that in any of these instances there is any distinct set of instructions or definition of duties. At Cambridge, there is a board of visitors, which meets at least three times in each year at the observatory; one of these meetings being attended also by other members of the university and strangers. I introduced at Cambridge the custom of reading a report to the visitors at each regular meeting. The visitors are required to make a report once a year to the senate of the university.

In instituting a new observatory, it appears to me very desirable that there should be appointed a body like the board of visitors at Greenwich and at Cambridge, with power to require reports from the astronomer, and

perhaps to direct him in some degree, and with the duty of reporting to the governing body.

The visitors of the Cambridge observatory are all members of the senate of the university. The visitors of the Greenwich observatory are persons living in different parts of England.

6. At Cambridge observatory there are two assistants and a laborer.

At the Cape of Good Hope, the same.

At Edinburgh, Dublin, and Armagh, I believe one assistant each.

Their duties are to observe and to calculate, under the direction of the astronomer.

The salaries of the Cambridge assistants are, I think, £80 each per annum, with apartments.

7. The instruments at Cambridge observatory are—

A mural circle, 8 feet in diameter, made by Troughton; price, £1,050.

A transit instrument, 10 feet long, made by Dolland; price, I believe, £600.

An equatorial 5-feet telescope, made by Jones; price, about £750; (many complaints of this price.)

Several small instruments, telescopes, &c.

Three clocks; one cost £100 to £120.

A 20-feet telescope, presented by the Duke of Northumberland.

At Oxford there are some quadrants, not used; and also a circle, 4 feet diameter, made by Jones; and an old transit.

At Edinburgh: a mural circle, 4 feet in diameter, made by Simms; and a transit, made by Repsold, of Hamburgh.

At Armagh: a mural circle, 4 feet in diameter, made by Jones; and a transit, (maker not known.)

At Dublin: an altitude and azimuth instrument; the vertical circle, 8 feet in diameter, made by Ramsden; and a transit.

I may remark, that, in the construction of instruments, expense may frequently be avoided by leaving some points to the discretion of the instrument maker. As an instance: when I superintended the equatorial mounting of the 20-feet telescope at Cambridge, I found occasion for a 5-feet circle, and I directed it to be *cast in one piece* of bell metal. It appears to answer perfectly well. Mr. Simms is quite satisfied with it, and thinks it possible that it might be made, at still less expense, of cast-iron. Since that time, Mr. Simms has had, I believe, two orders for large circles; and when I have urged him to have each cast in one piece, he has expressed his wish to do so; but has informed me that his orders were to make them "like the Greenwich circles," and has therefore considered himself compelled to put them together in many pieces, in the same way as the Greenwich circles, at much greater expense than would have been implied in the construction mentioned above.

G. B. Airy.

June 8, 1839.

Since writing the answers above, I have received from Mr. Simms the following list of prices:

The mural circles for Greenwich, Cracow, Brussels, Edinburgh, and Lucknow, are all of the same dimensions, (six feet in diameter,) and were all made by Troughton. The price in each case was £735. Mr. Simms states that at this price there was no profit, (Troughton was wholly regardless of profit in constructing these instruments,) and that he would not like to undertake one for less than £900.

The mural circle for Cambridge, eight feet in diameter, was made by Troughton, for £1,050.

Troughton was paid for the Greenwich transit £315, which sum did not include the object-glass. Mr. Simms states that the cost now would be 450 guineas for the instrument complete. Its length is ten feet.

Troughton received for the Brussels equatorial 450 guineas; but this was too little; it ought to have been £600. (I think that the length of the tel-

escope is five feet; the diameter of the declination circle, three feet; and that of the hour circle, two feet, or two and a half feet.)

A very good clock for Lucknow cost £80. An inferior clock £28.

G. B. AIRY.

June 11, 1839.

Mr. Adams then reproduces the messages of the President and the correspondence between Mr. Rush, the agent of the United States, and Mr. Forsyth, Secretary of State, concerning the action taken to secure the bequest, all of which appears in its proper place.

A motion was made by Mr. MUNROE that 5,000 extra copies of the report above, made by Mr. Adams, and of the reports of committees heretofore made, with the other papers in relation to the subject, be printed for the use of the members.

HOUSE OF REPRESENTATIVES, *March* 19, 1840.

The following letter from the Secretary of the Treasury, transmitting statements of moneys invested in the stocks of the several States, was read and laid upon the table:

TREASURY DEPARTMENT, *March* 17, 1840.

SIR: This report is submitted in obedience to a resolution of the House of Representatives of the 9th instant, directing the Secretary of the Treasury to furnish "a statement of all the public moneys of the United States invested in the stocks of the several States, specifying the amount invested in the stocks of each State; the authority by which each investment was made; the terms, and rate of interest, of each contract; the security received for the payment of interest and principal of each debt; the rate per centum given in the purchase of the bonds; and the market value of the bonds at the times of the respective investments, and at the present time:" I have the honor to state that this department is not aware that any "of the *public moneys* of the *United States*," held in their own right, are "invested in the stocks of the several States." But some of the moneys held in trust by the United States have been invested in such stocks, either by agreement with those possessing the legal title, such as treaty stipulations with Indian tribes; or by authority of acts of Congress, such as that of the 7th of July, 1838, concerning the moneys received on account of the Smithsonian bequest.

* * * * * * *

There are no means here for ascertaining the market value of the State stocks at any particular time with accuracy. Sales of such stocks are rarely entered in the reports of stock operations at the boards of the brokers in the principal cities; and extensive and tedious correspondence would alone enable me to give a near approximation to their worth at the periods of these numerous purchases. On examination of the files of a New York price current, from 1836 to the present date, (being the only paper quoting the price of stocks preserved in this department,) not one-fourth of the State stocks held here could be found, and not a single quotation at the time the bonds were purchased. But all of the stocks purchased here were obtained at the lowest price they could be had at the time, it having been an invariable rule, when funds were received which the department was authorized to invest, to address letters to such persons in the principal cities as were supposed to have stocks for sale, notifying them of the fact, and allowing time to receive their offers; after which, a contract was made for such as were offered on terms found to be most advantageous for the trust, having regard, in determining that fact, to the interest the stock yielded, and the

length of time before its maturity. The price given, the par value, the rate of interest, and the authority for each purchase, will appear in the tables annexed.

In respect to the security for the payment of the interest and principal of the stocks, none other was asked beyond the guaranty of the respective States in the acts authorizing the issue of the stocks.

I am, respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

Hon. R. M. T. HUNTER,
Speaker of the House of Representatives.

Statement of the moneys invested in State stocks held in trust by the Treasury Department, showing the time of the respective investments; amount invested in the stocks of each State; rate of interest on bonds in each contract; rate at which stock was purchased; and authority by which each investment was made, &c.

Time of the respective investments.	Amount invested in the stocks of each State.	Rate of interest on bonds in each contract.	Rate per cent. at which bonds were purchased.
* * *	* * * *	* * *	* * *
1838, September	$500,000 00 Arkansas bonds	6	$99\frac{2}{10}$
November	8,000 00 Michigan bonds	6	100
December	10,000 00 Arkansas bonds	6	100
1839, July	13,000 00 Arkansas bonds	6	$98\frac{3}{4}$
1840, February	26,000 00 Illinois bonds	6	73

Authority by which the investments were made—Act of July 7, 1838, authorizing the investment of the Smithsonian bequest.

Security received for the payment of interest and principal of each debt—Guaranty of the State.

Market price at the time of purchase—No means of ascertaining accurately.

Market price at the present time—No means of ascertaining accurately.

TREASURY DEPARTMENT, *March* 16, 1840.

HOUSE OF REPRESENTATIVES, *March* 23, 1840.

Mr. MONROE moved the following, which was read and laid on the table one day, under the rule:

Resolved, That 5,000 additional copies of the report on the Smithsonian bequest be published for the use of the members of this House.

Mr. TOLAND moved that 4,000 extra copies of the report of the select committee on the Smithsonian bequest be printed for the use of the members.

PROCEEDINGS IN THE SENATE.

SENATE, *February* 10, 1841.

Agreeably to notice, Mr. Linn asked and obtained leave to bring in a bill (S. 245) to appoint trustees for the investment of the Smithsonian fund; which was read the first and second times, by unanimous consent, and referred to the Committee on the Library.

The bill is as follows:

[S. No. 245.]

A BILL to appoint Trustees for the investment of the Smithsonian fund.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretaries of the State, the Treasury, the War, and the Navy Departments, the Attorney General, and the Postmaster General, be, and they are hereby, constituted trustees of the Smithsonian fund, with power to invest the same in safe public funds, and to change said investment when, in their judgment, it may be desirable: *Provided, however,* That said trustees shall, under no circumstances, diminish or expend the principal of said fund; but that all expenses of investments of said fund, or for other purposes, as provided by law, shall be paid out of the interest which has accrued, or which may accrue, from said fund.

SEC. 2. *And be it further enacted,* That said trustees shall have power to appoint a treasurer and secretary to the board of trustees, who shall give bond in the penal sum of dollars for the faithful performance of his duties, and shall be removable from office at the pleasure of the board of trustees, and shall be entitled to receive a compensation for his services not exceeding dollars per annum. The said treasurer and secretary shall perform his duties under the direction of the board of trustees, and shall render his accounts quarterly to the Treasury Department The proceedings of said board shall be reported annually to Congress; and their transactions, books, and papers, shall be open to such investigations, and the board shall answer such inquiries, in relation to their official action, as Congress, or a resolution of either House, shall from time to time direct.

SEC. 3. *And be it further enacted,* That the Smithsonian Institution shall consist of one superintendent, who shall receive a compensation of dollars per annum, and six professors, each of whom shall receive a compensation of dollars per annum. The foregoing named officers to be appointed in the following manner: the National Institution for the promotion of science, established in the city of Washington, shall nominate said officers to the President, to be, if approved by him, submitted to the Senate for its advice and consent. The said superintendent and professors shall hold their offices during the term of four years, and perform such duties as shall be designated by the said National Institution. The said institution shall also prescribe the duties of such officers, as it may find necessary to appoint, for the preservation of the buildings, grounds, and other property belonging to the institution: *Provided, however,* That no greater number of such officers shall be appointed, than shall be approved by the President of the United States, and at no higher compensations, than he shall approve: *And provided, also,* That all contingent expenses necessary in the execution of the duties of said officers, shall be approved by the Secretary of State, and the President of the aforesaid National Institution.

SEC. 4. *And be it further enacted*, That the land owned by the United States, in the city of Washington, situated
and known by the name of the Mall, be, and the same is hereby, appropriated for the uses of the Smithsonian Institution. The buildings for said institution shall be erected thereon, and in which shall be preserved the philosophical instruments, apparatus and collections, necessary to promote the objects of the institution. And all collections of works of art and of natural history, owned by the United States, not otherwise assigned, shall be deposited in said buildings; and for the transportation and arrangement of the same, the sum of five thousand dollars is hereby appropriated out of the Treasury of the United States, to be expended under the direction of the president and directors of the National Institution: *Provided, however*, That the grounds, herein assigned to the Institution, shall be kept open to the public, free from all charge, but under such regulations as the preservation of the property shall require: *And provided, also*, That the plan of the buildings herein authorized, shall be prepared by the National Institution, and shall be submitted to the President of the United States, and upon receiving his approbation, shall be erected under the superintendence of the National Institution; the said buildings, collections, and grounds, shall be under the general supervision of the National Institution.

SENATE, *February* 17, 1841.

Mr. PRESTON from the Committee on the Library, to whom was referred the bill (S. 245) to appoint trustees for the investment of the Smithsonian fund, reported it without amendment; and, also, the following bills, as substitutes therefor:

S. 258. Bill to incorporate, within the District of Columbia, the National Institution for the promotion of science.

S. 259. Bill to invest the proceeds of the Smithsonian fund, and to establish the Smithsonian Institution; which were severally read, and passed to the second reading.

The bills are as follows:

[S. No. 258.]

A BILL to incorporate, within the District of Columbia, the National Institution for the Promotion of Science.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Joel R. Poinsett, James K. Paulding, John Quincy Adams, John J. Abert, Joseph G. Totten, A. O. Dayton, Francis Marcoe, Levi Woodbury, William Cranch, Henry D. Gilpin, William J. Stone, and others, composing the association in the District of Columbia denominated the National Institution for the Promotion of Science, and their successors duly elected in the manner hereinafter mentioned, be, and they are hereby, constituted and declared to be a body politic and corporate, by the name and title of the National Institution for the Promotion of Science, in the District of Columbia, with all rights and privileges of corporate bodies, not repugnant to the constitution of the United States, or the laws of the District of Columbia, and in conformity with the following rules and regulations:

Article first. This society shall be named "The National Institution for the Promotion of Science."

Article second. It shall hold its meetings at the city of Washington.

Article third. It shall be composed of resident, corresponding and honorary members.

Article fourth. The resident members shall be persons residing in the District of Columbia; corresponding members shall be persons residing out of the District of Columbia, who wish to aid the institution by their contributions or communications; and the class of honorary members shall be composed of eminent men residing out of the District of Columbia.

Article fifth. Resident members removing from the District of Columbia, shall, on request, be transferred to the list of corresponding members, and vice versa; but any corresponding member may, at his option, be recorded and considered a resident member.

Article sixth. The officers of the institution shall consist of a president, vice-president, twelve directors, a treasurer, a corresponding, and a recording secretary: *Provided*, That no member shall hold more than one of the offices created by this article at the same time, but, that an acceptance of one, shall be construed as refusal of all others.

Article seventh. The officers shall constitute a board of management of the fiscal concerns of the institution; and any five members of the board shall be a quorum for the transaction of ordinary business.

Article eighth. The secretaries of the departments of State, Treasury, War, and Navy, and the Attorney General, and Postmaster General of the United States, for the time being, shall, with their consent, be directors of the institution; but, upon the refusal of one or more of them to accede to the request of the institution, such director or directors shall be chosen in the same manner as herein provided for the appointment of other officers. The officers shall be elected for the term of one year, or until their successors shall be appointed, from among the resident members of the institution. This election shall take place at the annual meeting; and each member, who is duly qualified, and shall be present at such meeting, shall have a vote in said election.

Article ninth. The annual meeting shall be held on the first Monday in each year, or as soon thereafter as may be convenient; the stated meetings on the second Monday in each month, and special meetings whenever five resident members shall concur in a request to that effect.

Article tenth. The president, vice-president, or, in their absence, one of the directors, in order of seniority, as named in article eighth, shall preside at all meetings of the institution; or if neither of these members be present, the meeting shall elect its own chairman.

Article eleventh. The election of members shall be by ballot; the candidate being nominated to the corresponding secretary, in writing, at least one week before the meeting when he is so balloted for, and proposed by any three directors of the society.

Article twelfth. Resident members shall, on admission, subscribe the constitution of the institution, and pay to the treasurer five dollars each, and annually thereafter, on the first Monday in January, five dollars each; to aid in defraying necessary expenses, and for such other purposes as the board of management may direct.

Article thirteenth. No resident member shall vote at any stated, or other meeting of the institution, on any question whatever, who has not paid his subscription and annual dues, or who shall not have attended a meeting of the institution within one year previous to such meeting.

Article fourteenth. The resident and corresponding members shall exert themselves to procure specimens of natural history, and so forth; and the said specimens shall be placed in the cabinet, under the superintendence of a board of curators, to be appointed by the directors. All such specimens, and so forth, unless deposited specially, shall remain in the cabinet; and, in case of the dissolution of the institution, shall become the property of the United States.

Article fifteenth. The resident members of the institution shall be divided into such departments as may hereafter be determined upon. The members

SEC. 3. *And be it further enacted,* That the said board of management shall have power to appoint a treasurer and secretary, who shall be entitled to a compensation of dollars per annum, who shall give bond, in the penal sum of dollars, for the faithful performance of his duties, which duties shall be prescribed by said board; but he shall render the accounts of his expenditures quarterly to the accounting officers of the Treasury Department; and the said board shall report its proceedings in detail annually to Congress, or oftener, if required.

SEC. 4. *And be it further enacted,* That all works of art, and all books relating thereto, and all collections and curiosities belonging to the United States, in the possession of any of the executive departments, and not necessarily connected with the duties thereof, shall be transferred to said institution, to be there preserved and arranged.

SEC. 5. *And be it further enacted,* That the interest which has accrued on the Smithsonian fund, be, and the same is hereby, appropriated, for the purpose of carrying into effect the provisions of this act; and that the ground owned by the United States, and designated in the plan of the city of Washington as the mall, be, and the same is hereby, appropriated for the buildings and use of the Smithsonian Institution, and the National Institution; and the same shall be under the superintendence of the board of management of the National Institution.

SENATE, *September* 3, 1841.

The bill from the House of Representatives, to repeal the sixth section of the act entitled An act to provide for the support of the Military Academy of the United States for the year 1838, and for other purposes, passed July 18, 1838, and to prohibit any investment of the funds of the United States in stocks of the several States, was read twice; and, on the question of reference coming up.

Mr. SEVIER said this bill was one of a most extraordinary character. It was to repeal existing contracts, and to violate treaty stipulations with the Indians, without their consent. He moved to lay the bill on the table.

Mr. PRESTON appealed to the Senator to withdraw his motion; he was disposed to entertain a similar opinion of the bill, but thought it more respectful to the House to refer it to a committee. He would therefore move to refer it to the Committee on Finance.

Mr. SEVIER said, if it was to be referred at all, it ought to be referred to the Committee on Indian Affairs.

Mr. WALKER concured in this view.

Mr. WOODBURY made some remarks, to the effect that the bill could be only prospective in its character, and would have no effect on existing contracts.

Mr. CALHOUN said this bill involved questions of an important character, which, it was very evident, would require more time for their consideration than could be devoted to them at the present session. He would therefore move to lay the bill on the table.

The motion was negatived.

Mr. SEVIER then moved its reference to the Committee on Indian Affairs. Lost.

The motion of Mr. PRESTON was then agreed to, and the bill referred to the Committee on Finance.

SENATE, *September* 8, 1841.

Mr. EVANS, from the Committee on Finance, reported, with an amendment, the bill from the House to repeal the sixth section of the act for the support of the Military Academy at West Point for 1838, and to prohibit the investment of trust funds of the United States in the stocks of the several States.

The Senate proceeded to consider the same, and the bill was amended, so as to strike out all after the enacting clause, and insert:

"That so much of the sixth section of the act to provide for the support of the Military Academy of the United States for 1838 as requires the Secretary of the Treasury to invest the annual interest accruing on the investment of the money arising from the bequest of the late James Smithson, of London, in the stocks of the States, be, and the same is hereby, repealed; and the Secretary of the Treasury shall invest said accruing interest in any stock of the United States, bearing a rate of interest not less than five per cent. per annum."

Mr. SEVIER made some observations in relation to the amendment not distinctly heard in the gallery.

Mr. EVANS remarked that the repeal affected that portion only of the bill of 1838 which related to the investment of the funds of the institution, and accruing interest in State stocks; the investment to be changed to United States stock.

Mr. CALHOUN requested the bill and amendments would be read.

The bill was then read.

Mr. CALHOUN wished to know what was to be done with the funds when there was no United States stock to be had? If all authority to invest them and the accruing interest in other stocks was repealed, and there should be no United States stock in the market, or in existence, what was to be done with the money?

Mr. EVANS replied that all that had been taken into consideration in committee, and it was the unanimous impression that there would be a sufficient supply of United States stock in existence for the next three years at least, and that no difficulty could arise in that way. If, however, any difficulty of that nature should arise, provision could be made by Congress in time to meet it.

Mr. Linn considered the whole thing as a direct attack upon the credit of the States. Here was an act of Congress, implying on the very face of it a discredit of State stocks. Was not this calculated to depress State stocks, both in the home and foreign markets?

Mr. Evans observed that it was the standing of the State stocks in those markets which had called for the amendment of the act of 1838.

Mr. Linn called the attention of the Senate to this fact; that the Democratic party, during the last political struggle of the party now administering the Government to get into power, had been slandered, vilified, and abused, with the most unfounded charges of designs to discredit the States of this Union. The Democratic party had been denounced from one end of the Union to the other for having prostrated the whole credit system. They were pronounced traitors to their country, and a continued stream of vituperation was poured out upon them from June, 1839, to the close of the Presidential election, with a view of enlisting the prejudices of every one connected with State stocks against the continuation of the Democracy in power. Yet, what spectacle do we now see presented to the country? What but that to be expected from the Whig party, which had so notoriously proved to the world that their professions out of power were one thing, and their performances in power quite another and a different thing? Now that they have the first opportunity, they offer the most outrageous, treacherous, and fatal stab to the State stock credit system, that ever was attempted by any representatives of the people or the States. But he was glad the gentleman had shown the true character of their professions contrasted with their performances.

Mr. Woodbury considered there were other things which ought to be taken in view. Besides the fatal stab thus offered to the credit of State stocks, the institution itself might be deprived of the advantage of investing its funds in stock no less secure than United States stock, though for temporary causes depreciated, but sometimes yielding an opportunity of purchase at 60 or 65, when United States stock might be at more than 100.

Mr. Clay said the relation between the Government and the States, of the latter being debtors to the former, ought always to be avoided; for what means could be used to coerce the States if they refused to pay? We had stocks of our own, in which this trust fund of the Government could be invested. He should prefer the adoption of this

principle, that in all cases of trust funds an account should be opened with the Government of the United States, and that the fund should be held in the Treasury and it pay an annual interest on it, until its object was accomplished. He regarded this Smithsonian fund as a sacred trust which the Government would be bound to restore if it should ever be lost; and that being the case—the Government being responsible for them, it would be better that they should remain in the Treasury, under our charge.

Mr. TAPPAN was understood to concur in this opinion; and after some further remarks by Messrs. WOODBURY, CALHOUN, and SEVIER, the amendment was engrossed, the bill read a third time, and passed.

On motion of Mr. EVANS, its title was amended so as to be in effect, "an act to repeal a part of the sixth section of the act for the support of the Military Academy of the United States for 1838, and for other purposes."

PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES, *September* 2, 1841.

Mr. FILLMORE, from the Committee of Ways and Means, to whom resolutions of instruction had heretofore been referred, reported a bill to repeal the sixth section of the act entitled an act to provide for the support of the Military Academy of the United States for the year 1838, and for other purposes, passed July, 1838, and to prohibit any investment of the funds of the United States in stocks of the several States; which was read twice.

The section proposed to be repealed is as follows:

"SEC. 6. *And be it further enacted*, That all the money arising from the bequest of the late James Smithson, of London, for the purpose of founding at Washington, in this District, an institution to be denominated the Smithsonian Institution, which may be paid into the Treasury, is hereby appropriated, and shall be invested by the Secretary of the Treasury, with the approbation of the President of the United States, in stocks of States, bearing interest at the rate of not less than five per centum per annum, which said stocks shall be held by the said Secretary in trust for the uses specified in the last will and testament of said Smithson, until provision is made by law for carrying the purpose of said bequest into effect; and that the annual interest accruing on the stock aforesaid shall be in like manner invested for the benefit of said institution."

Mr. FILLMORE asked, that as the bill contained no appropriation, and need not therefore be committed, it be put on its third reading now.

The bill was read a third time and passed.

HOUSE OF REPRESENTATIVES, *September* 9, 1841.

On motion of Mr. ADAMS, the House took up the bill providing for the repeal of so much of the sixth section of the Military Academy act of 1838, as provides for the investment of the Smithsonian funds in State stocks; and the Senate amendments thereto were amended in several respects, and the bill was returned to the Senate.

HOUSE OF REPRESENTATIVES, *September* 10, 1841.

The House proceeded to the consideration of the message from the Senate in relation to the amendments of this House to the amendment of the Senate to the bill No. 34, entitled "An act to repeal the sixth section of the act entitled 'An act to provide for the support of the Military Academy for the year 1838, and for other purposes,' and to prohibit the investment of the funds of the United States in stocks of the several States," when it was

Resolved, That this House concur in the amendment of the Senate to the first amendment of this House to the amendment of the Senate to said bill, and recede from their second amendment to the amendment of the Senate to said bill, and that the bill do pass accordingly.

A message was received from the Senate in relation to the amendments of the House to Senate Bill No. 34.

HOUSE OF REPRESENTATIVES, *September* 11, 1841.

Mr. RANDOLPH, from the Committee on Enrolled Bills, reported that the committee had examined the bill repealing the sixth section of the act of 1838, and had found the same to be correct, whereupon it received the signature of the Speaker and the approval of the President.

SEPTEMBER 9, 1841.

Report of T. Ewing, Secretary of Treasury.

State Stocks held by the Treasury Department, in trust for the Smithsonian Institution.

Of what States.	Amount of Stock.	Cost.
Arkansas	$500,000	$499,500 00
Arkansas	10,000	10,000 00
Arkansas	13,000	12,837 50
Arkansas	15,000	10,555 00
Illinois	26,000	18,980 00
Illinois	6,000	4,223 00
Illinois	24,000	19,200 00
Michigan	8,000	8,270 67
Ohio	18,000	16,980 00
	$620,000	$600,980 17

PROCEEDINGS IN THE SENATE.

SENATE, *December* 7, 1841.

Message of the President, John Tyler.

* * * * I suggest for your consideration the propriety of making without further delay, some specific application of the funds derived under the will of Mr. Smithson, of England, for the diffusion of knowledge; and which have heretofore, been vested in public stocks, until such time as Congress should think proper to give them a specific direction. Nor will you, I feel confident, permit any abatement of the principal of the legacy to be made, should it turn out that the stocks, in which the investments have been made had undergone a depreciation. * * * *

SENATE, *December* 29, 1841.

On motion by Mr. Preston, ordered that the above part of the President's message be referred to the Committee on Library.—Messrs. Preston, Tappan, Choate.

SENATE, *April* 11, 1842.

Mr. PRESTON, from the Committee on the Library, reported a bill (S. 224,) to invest the proceeds of the Smithsonian fund, and to establish the Smithsonian Institution. Read and passed to a second reading.

SENATE, *July* 18, 1842.

The bill (S. 224) was read the second time, and considered as in Committee of the Whole. On motion of Mr. Allen, it was ordered that it lie on the table.

[This bill is the same as S. No. 259, introduced into the Senate by Mr. Preston, from the Committee on the Library, on February 17, 1841.]

PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES, *December* 10, 1841.

Mr. FILLMORE offered a resolution for the appointment of a select committee on the Smithsonian legacy.

Adopted, and Mr. John Quincy Adams of Mass., Mr. Richard W. Habersham of Georgia, Mr. Truman Smith of Conn., Mr. Joseph R. Underwood of Ky., Mr. Benjamine Randall of Me., Mr. Chas. J. Ingersoll of Penna., Mr. Robert M. T. Hunter of Va., Mr. Geo. S. Houston of Ala., and Mr. Sam'l S. Bowne of N. Y., were appointed said committee.

Article third. It shall be composed of resident, corresponding and honorary members.

Article fourth. The resident members shall be persons residing in the District of Columbia; corresponding members shall be persons residing out of the District of Columbia, who wish to aid the institution by their contributions or communications; and the class of honorary members shall be composed of eminent men residing out of the District of Columbia.

Article fifth. Resident members removing from the District of Columbia, shall, on request, be transferred to the list of corresponding members, and vice versa; but any corresponding member may, at his option, be recorded and considered a resident member.

Article sixth. The officers of the institution shall consist of a president, vice-president, twelve directors, a treasurer, a corresponding, and a recording secretary: *Provided*, That no member shall hold more than one of the offices created by this article at the same time, but, that an acceptance of one, shall be construed as refusal of all others.

Article seventh. The officers shall constitute a board of management of the fiscal concerns of the institution; and any five members of the board shall be a quorum for the transaction of ordinary business.

Article eighth. The secretaries of the departments of State, Treasury, War, and Navy, and the Attorney General, and Postmaster General of the United States, for the time being, shall, with their consent, be directors of the institution; but, upon the refusal of one or more of them to accede to the request of the institution, such director or directors shall be chosen in the same manner as herein provided for the appointment of other officers. The officers shall be elected for the term of one year, or until their successors shall be appointed, from among the resident members of the institution. This election shall take place at the annual meeting; and each member, who is duly qualified, and shall be present at such meeting, shall have a vote in said election.

Article ninth. The annual meeting shall be held on the first Monday in each year, or as soon thereafter as may be convenient; the stated meetings on the second Monday in each month, and special meetings whenever five resident members shall concur in a request to that effect.

Article tenth. The president, vice-president, or, in their absence, one of the directors, in order of seniority, as named in article eighth, shall preside at all meetings of the institution; or if neither of these members be present, the meeting shall elect its own chairman.

Article eleventh. The election of members shall be by ballot; the candidate being nominated to the corresponding secretary, in writing, at least one week before the meeting when he is so balloted for, and proposed by any three directors of the society.

Article twelfth. Resident members shall, on admission, subscribe the constitution of the institution, and pay to the treasurer five dollars each, and annually thereafter, on the first Monday in January, five dollars each; to aid in defraying necessary expenses, and for such other purposes as the board of management may direct.

Article thirteenth. No resident member shall vote at any stated, or other meeting of the institution, on any question whatever, who has not paid his subscription and annual dues, or who shall not have attended a meeting of the institution within one year previous to such meeting.

Article fourteenth. The resident and corresponding members shall exert themselves to procure specimens of natural history, and so forth; and the said specimens shall be placed in the cabinet, under the superintendence of a board of curators, to be appointed by the directors. All such specimens, and so forth, unless deposited specially, shall remain in the cabinet; and, in case of the dissolution of the institution, shall become the property of the United States.

Article fifteenth. The resident members of the institution shall be divided into such departments as may hereafter be determined upon. The members

composing each department shall especially be charged with the subjects embraced therein, and communicate to the institution the result of their inquiries; but every member shall have the privilege of making such communications, as he may think proper, on any subject connected with the designs of the institution.

Article sixteenth. The various collections of the institution shall be placed in the apartments which may be designated for that purpose by a majority of the directors.

Article seventeenth. This constitution, with the exceptions of articles six, eight, ten, fourteen, and sixteen, or so much thereof as relates to the office of directors, their duties, privileges, or powers, or the purposes or place of keeping of the collections of the institution, shall be subject to alterations and additions at any meeting of the institution: *Provided*, Notice of a motion for such alteration or addition shall have been given and recorded at a preceding regular meeting: *And provided, further*, That no alterations or amendments shall ever be made in the above referred to articles without the consent of a majority of the directors.

Article eighteenth. A code of by-laws for the regulation of the business of the board of management, and the annual and other meetings of the institution, and for matters relating to non-attendance, privileges, duties of officers, and so forth, shall be prepared by a committee to be appointed for that purpose.

Article nineteenth. All persons present at the adoption of this constitution shall, if desirous of becoming members of the institution, sign the same as evidence of such desire, and in proof of such membership; and all members subsequently admitted shall sign the same at the first meeting of the society which they may attend after such admission.

Article twentieth. The institution shall have power to appoint curators and others for the preservation and arrangement of the collections.

[S. No. 259.]

A BILL to invest the proceeds of the Smithsonian fund, and to establish the Smithsonian Institution.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Smithsonian Institution shall consist of one superintendent, with a compensation of dollars per annum, and not exceeding six professors, with compensation to each of dollars per annum, with such number of curators and assistants as may be found necessary: *Provided*, The number of, and the compensation to, the curators and assistants shall be approved by the President of the United States; all these officers to be elected by the board of management of the National Institution for the Promotion of Science, established at Washington, and according to the form and manner prescribed for the electing of officers of that institution; but the election of professors shall not be made, until the buildings are prepared for them to enter upon their duties.

SEC. 2. *And be it further enacted*, That the officers of the National Institution for the Promotion of Science, together with the superintendent of the Smithsonian Institution, shall constitute a board of management of the interest of the Smithsonian fund; and shall have power to plan and erect the necessary buildings, to lay out the grounds, to preserve and repair the same, to procure the necessary books and philosophical instruments, to arrange the collections, to prescribe the duties of the professors and others belonging to the said Smithsonian Institution, and to establish regulations for the preservation of the property, and for a proper exhibition of the same: *Provided, however*, That no regulation shall exact a fee from any visitor: *And provided*, That nothing in this act shall be so construed as to prevent any member of the National Institution for the Promotion of Science, from being an officer of the Smithsonian Institution.

Article third. It shall be composed of resident, corresponding and honorary members.

Article fourth. The resident members shall be persons residing in the District of Columbia; corresponding members shall be persons residing out of the District of Columbia, who wish to aid the institution by their contributions or communications; and the class of honorary members shall be composed of eminent men residing out of the District of Columbia.

Article fifth. Resident members removing from the District of Columbia, shall, on request, be transferred to the list of corresponding members, and vice versa; but any corresponding member may, at his option, be recorded and considered a resident member.

Article sixth. The officers of the institution shall consist of a president, vice-president, twelve directors, a treasurer, a corresponding, and a recording secretary: *Provided*, That no member shall hold more than one of the offices created by this article at the same time, but, that an acceptance of one, shall be construed as refusal of all others.

Article seventh. The officers shall constitute a board of management of the fiscal concerns of the institution; and any five members of the board shall be a quorum for the transaction of ordinary business.

Article eighth. The secretaries of the departments of State, Treasury, War, and Navy, and the Attorney General, and Postmaster General of the United States, for the time being, shall, with their consent, be directors of the institution; but, upon the refusal of one or more of them to accede to the request of the institution, such director or directors shall be chosen in the same manner as herein provided for the appointment of other officers. The officers shall be elected for the term of one year, or until their successors shall be appointed, from among the resident members of the institution. This election shall take place at the annual meeting; and each member, who is duly qualified, and shall be present at such meeting, shall have a vote in said election.

Article ninth. The annual meeting shall be held on the first Monday in each year, or as soon thereafter as may be convenient; the stated meetings on the second Monday in each month, and special meetings whenever five resident members shall concur in a request to that effect.

Article tenth. The president, vice-president, or, in their absence, one of the directors, in order of seniority, as named in article eighth, shall preside at all meetings of the institution; or if neither of these members be present, the meeting shall elect its own chairman.

Article eleventh. The election of members shall be by ballot; the candidate being nominated to the corresponding secretary, in writing, at least one week before the meeting when he is so balloted for, and proposed by any three directors of the society.

Article twelfth. Resident members shall, on admission, subscribe the constitution of the institution, and pay to the treasurer five dollars each, and annually thereafter, on the first Monday in January, five dollars each; to aid in defraying necessary expenses, and for such other purposes as the board of management may direct.

Article thirteenth. No resident member shall vote at any stated, or other meeting of the institution, on any question whatever, who has not paid his subscription and annual dues, or who shall not have attended a meeting of the institution within one year previous to such meeting.

Article fourteenth. The resident and corresponding members shall exert themselves to procure specimens of natural history, and so forth; and the said specimens shall be placed in the cabinet, under the superintendence of a board of curators, to be appointed by the directors. All such specimens, and so forth, unless deposited specially, shall remain in the cabinet; and, in case of the dissolution of the institution, shall become the property of the United States.

Article fifteenth. The resident members of the institution shall be divided into such departments as may hereafter be determined upon. The members

composing each department shall especially be charged with the subjects embraced therein, and communicate to the institution the result of their inquiries; but every member shall have the privilege of making such communications, as he may think proper, on any subject connected with the designs of the institution.

Article sixteenth. The various collections of the institution shall be placed in the apartments which may be designated for that purpose by a majority of the directors.

Article seventeenth. This constitution, with the exceptions of articles six, eight, ten, fourteen, and sixteen, or so much thereof as relates to the office of directors, their duties, privileges, or powers, or the purposes or place of keeping of the collections of the institution, shall be subject to alterations and additions at any meeting of the institution: *Provided*, Notice of a motion for such alteration or addition shall have been given and recorded at a preceding regular meeting: *And provided, further*, That no alterations or amendments shall ever be made in the above referred to articles without the consent of a majority of the directors.

Article eighteenth. A code of by-laws for the regulation of the business of the board of management, and the annual and other meetings of the institution, and for matters relating to non-attendance, privileges, duties of officers, and so forth, shall be prepared by a committee to be appointed for that purpose.

Article nineteenth. All persons present at the adoption of this constitution shall, if desirous of becoming members of the institution, sign the same as evidence of such desire, and in proof of such membership; and all members subsequently admitted shall sign the same at the first meeting of the society which they may attend after such admission.

Article twentieth. The institution shall have power to appoint curators and others for the preservation and arrangement of the collections.

[S. No. 259.]

A BILL to invest the proceeds of the Smithsonian fund, and to establish the Smithsonian Institution.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Smithsonian Institution shall consist of one superintendent, with a compensation of dollars per annum, and not exceeding six professors, with compensation to each of dollars per annum, with such number of curators and assistants as may be found necessary: *Provided*, The number of, and the compensation to, the curators and assistants shall be approved by the President of the United States; all these officers to be elected by the board of management of the National Institution for the Promotion of Science, established at Washington, and according to the form and manner prescribed for the electing of officers of that institution; but the election of professors shall not be made, until the buildings are prepared for them to enter upon their duties.

SEC. 2. *And be it further enacted*, That the officers of the National Institution for the Promotion of Science, together with the superintendent of the Smithsonian Institution, shall constitute a board of management of the interest of the Smithsonian fund; and shall have power to plan and erect the necessary buildings, to lay out the grounds, to preserve and repair the same, to procure the necessary books and philosophical instruments, to arrange the collections, to prescribe the duties of the professors and others belonging to the said Smithsonian Institution, and to establish regulations for the preservation of the property, and for a proper exhibition of the same: *Provided, however*, That no regulation shall exact a fee from any visitor: *And provided*, That nothing in this act shall be so construed as to prevent any member of the National Institution for the Promotion of Science, from being an officer of the Smithsonian Institution.

SEC. 3. *And be it further enacted,* That the said board of management shall have power to appoint a treasurer and secretary, who shall be entitled to a compensation of dollars per annum, who shall give bond, in the penal sum of dollars, for the faithful performance of his duties, which duties shall be prescribed by said board; but he shall render the accounts of his expenditures quarterly to the accounting officers of the Treasury Department; and the said board shall report its proceedings in detail annually to Congress, or oftener, if required.

SEC. 4. *And be it further enacted,* That all works of art, and all books relating thereto, and all collections and curiosities belonging to the United States, in the possession of any of the executive departments, and not necessarily connected with the duties thereof, shall be transferred to said institution, to be there preserved and arranged.

SEC. 5. *And be it further enacted,* That the interest which has accrued on the Smithsonian fund, be, and the same is hereby, appropriated, for the purpose of carrying into effect the provisions of this act; and that the ground owned by the United States, and designated in the plan of the city of Washington as the mall, be, and the same is hereby, appropriated for the buildings and use of the Smithsonian Institution, and the National Institution; and the same shall be under the superintendence of the board of management of the National Institution.

SENATE, *September* 3, 1841.

The bill from the House of Representatives, to repeal the sixth section of the act entitled An act to provide for the support of the Military Academy of the United States for the year 1838, and for other purposes, passed July 18, 1838, and to prohibit any investment of the funds of the United States in stocks of the several States, was read twice; and, on the question of reference coming up.

Mr. SEVIER said this bill was one of a most extraordinary character. It was to repeal existing contracts, and to violate treaty stipulations with the Indians, without their consent. He moved to lay the bill on the table.

Mr. PRESTON appealed to the Senator to withdraw his motion; he was disposed to entertain a similar opinion of the bill, but thought it more respectful to the House to refer it to a committee. He would therefore move to refer it to the Committee on Finance.

Mr. SEVIER said, if it was to be referred at all, it ought to be referred to the Committee on Indian Affairs.

Mr. WALKER concured in this view.

Mr. WOODBURY made some remarks, to the effect that the bill could be only prospective in its character, and would have no effect on existing contracts.

Mr. CALHOUN said this bill involved questions of an important character, which, it was very evident, would require more time for their consideration than could be devoted to them at the present session. He would therefore move to lay the bill on the table.

The motion was negatived.

Mr. SEVIER then moved its reference to the Committee on Indian Affairs. Lost.

The motion of Mr. PRESTON was then agreed to, and the bill referred to the Committee on Finance.

SENATE, *September* 8, 1841.

Mr. EVANS, from the Committee on Finance, reported, with an amendment, the bill from the House to repeal the sixth section of the act for the support of the Military Academy at West Point for 1838, and to prohibit the investment of trust funds of the United States in the stocks of the several States.

The Senate proceeded to consider the same, and the bill was amended, so as to strike out all after the enacting clause, and insert:

"That so much of the sixth section of the act to provide for the support of the Military Academy of the United States for 1838 as requires the Secretary of the Treasury to invest the annual interest accruing on the investment of the money arising from the bequest of the late James Smithson, of London, in the stocks of the States, be, and the same is hereby, repealed; and the Secretary of the Treasury shall invest said accruing interest in any stock of the United States, bearing a rate of interest not less than five per cent. per annum."

Mr. SEVIER made some observations in relation to the amendment not distinctly heard in the gallery.

Mr. EVANS remarked that the repeal affected that portion only of the bill of 1838 which related to the investment of the funds of the institution, and accruing interest in State stocks; the investment to be changed to United States stock.

Mr. CALHOUN requested the bill and amendments would be read.

The bill was then read.

Mr. CALHOUN wished to know what was to be done with the funds when there was no United States stock to be had? If all authority to invest them and the accruing interest in other stocks was repealed, and there should be no United States stock in the market, or in existence, what was to be done with the money?

Mr. EVANS replied that all that had been taken into consideration in committee, and it was the unanimous impression that there would be a sufficient supply of United States stock in existence for the next three years at least, and that no difficulty could arise in that way. If, however, any difficulty of that nature should arise, provision could be made by Congress in time to meet it.

Mr. LINN considered the whole thing as a direct attack upon the credit of the States. Here was an act of Congress, implying on the very face of it a discredit of State stocks. Was not this calculated to depress State stocks, both in the home and foreign markets?

Mr. EVANS observed that it was the standing of the State stocks in those markets which had called for the amendment of the act of 1838.

Mr. LINN called the attention of the Senate to this fact; that the Democratic party, during the last political struggle of the party now administering the Government to get into power, had been slandered, vilified, and abused, with the most unfounded charges of designs to discredit the States of this Union. The Democratic party had been denounced from one end of the Union to the other for having prostrated the whole credit system. They were pronounced traitors to their country, and a continued stream of vituperation was poured out upon them from June, 1839, to the close of the Presidential election, with a view of enlisting the prejudices of every one connected with State stocks against the continuation of the Democracy in power. Yet, what spectacle do we now see presented to the country? What but that to be expected from the Whig party, which had so notoriously proved to the world that their professions out of power were one thing, and their performances in power quite another and a different thing? Now that they have the first opportunity, they offer the most outrageous, treacherous, and fatal stab to the State stock credit system, that ever was attempted by any representatives of the people or the States. But he was glad the gentleman had shown the true character of their professions contrasted with their performances.

Mr. WOODBURY considered there were other things which ought to be taken in view. Besides the fatal stab thus offered to the credit of State stocks, the institution itself might be deprived of the advantage of investing its funds in stock no less secure than United States stock, though for temporary causes depreciated, but sometimes yielding an opportunity of purchase at 60 or 65, when United States stock might be at more than 100.

Mr. CLAY said the relation between the Government and the States, of the latter being debtors to the former, ought always to be avoided; for what means could be used to coerce the States if they refused to pay? We had stocks of our own, in which this trust fund of the Government could be invested. He should prefer the adoption of this

principle, that in all cases of trust funds an account should be opened with the Government of the United States, and that the fund should be held in the Treasury and it pay an annual interest on it, until its object was accomplished. He regarded this Smithsonian fund as a sacred trust which the Government would be bound to restore if it should ever be lost; and that being the case—the Government being responsible for them, it would be better that they should remain in the Treasury, under our charge.

Mr. TAPPAN was understood to concur in this opinion; and after some further remarks by Messrs. WOODBURY, CALHOUN, and SEVIER, the amendment was engrossed, the bill read a third time, and passed.

On motion of Mr. EVANS, its title was amended so as to be in effect, "an act to repeal a part of the sixth section of the act for the support of the Military Academy of the United States for 1838, and for other purposes."

PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES, *September* 2, 1841.

Mr. FILLMORE, from the Committee of Ways and Means, to whom resolutions of instruction had heretofore been referred, reported a bill to repeal the sixth section of the act entitled an act to provide for the support of the Military Academy of the United States for the year 1838, and for other purposes, passed July, 1838, and to prohibit any investment of the funds of the United States in stocks of the several States; which was read twice.

The section proposed to be repealed is as follows:

"SEC. 6. *And be it further enacted*, That all the money arising from the bequest of the late James Smithson, of London, for the purpose of founding at Washington, in this District, an institution to be denominated the Smithsonian Institution, which may be paid into the Treasury, is hereby appropriated, and shall be invested by the Secretary of the Treasury, with the approbation of the President of the United States, in stocks of States, bearing interest at the rate of not less than five per centum per annum, which said stocks shall be held by the said Secretary in trust for the uses specified in the last will and testament of said Smithson, until provision is made by law for carrying the purpose of said bequest into effect; and that the annual interest accruing on the stock aforesaid shall be in like manner invested for the benefit of said institution."

Mr. FILLMORE asked, that as the bill contained no appropriation, and need not therefore be committed, it be put on its third reading now.

The bill was read a third time and passed.

HOUSE OF REPRESENTATIVES, *September* 9, 1841.

On motion of Mr. ADAMS, the House took up the bill providing for the repeal of so much of the sixth section of the Military Academy act of 1838, as provides for the investment of the Smithsonian funds in State stocks; and the Senate amendments thereto were amended in several respects, and the bill was returned to the Senate.

HOUSE OF REPRESENTATIVES, *September* 10, 1841.

The House proceeded to the consideration of the message from the Senate in relation to the amendments of this House to the amendment of the Senate to the bill No. 34, entitled "An act to repeal the sixth section of the act entitled 'An act to provide for the support of the Military Academy for the year 1838, and for other purposes,' and to prohibit the investment of the funds of the United States in stocks of the several States," when it was

Resolved, That this House concur in the amendment of the Senate to the first amendment of this House to the amendment of the Senate to said bill, and recede from their second amendment to the amendment of the Senate to said bill, and that the bill do pass accordingly.

A message was received from the Senate in relation to the amendments of the House to Senate Bill No. 34.

HOUSE OF REPRESENTATIVES, *September* 11, 1841.

Mr. RANDOLPH, from the Committee on Enrolled Bills, reported that the committee had examined the bill repealing the sixth section of the act of 1838, and had found the same to be correct, whereupon it received the signature of the Speaker and the approval of the President.

SEPTEMBER 9, 1841.

Report of T. Ewing, Secretary of Treasury.

State Stocks held by the Treasury Department, in trust for the Smithsonian Institution.

Of what States.	Amount of Stock.	Cost.
Arkansas	$500,000	$499,500 00
Arkansas	10,000	10,000 00
Arkansas	13,000	12,837 50
Arkansas	15,000	10,555 00
Illinois	26,000	18,980 00
Illinois	6,000	4,223 00
Illinois	24,000	19,200 00
Michigan	8,000	8,270 67
Ohio	18,000	16,980 00
	$620,000	$600,980 17

PROCEEDINGS IN THE SENATE.

SENATE, *December* 7, 1841.

Message of the President, John Tyler.

* * * * I suggest for your consideration the propriety of making without further delay, some specific application of the funds derived under the will of Mr. Smithson, of England, for the diffusion of knowledge; and which have heretofore, been vested in public stocks, until such time as Congress should think proper to give them a specific direction. Nor will you, I feel confident, permit any abatement of the principal of the legacy to be made, should it turn out that the stocks, in which the investments have been made had undergone a depreciation. * * * *

SENATE, *December* 29, 1841.

On motion by Mr. Preston, ordered that the above part of the President's message be referred to the Committee on Library.—Messrs. Preston, Tappan, Choate.

SENATE, *April* 11, 1842.

Mr. PRESTON, from the Committee on the Library, reported a bill (S. 224,) to invest the proceeds of the Smithsonian fund, and to establish the Smithsonian Institution. Read and passed to a second reading.

SENATE, *July* 18, 1842.

The bill (S. 224) was read the second time, and considered as in Committee of the Whole. On motion of Mr. Allen, it was ordered that it lie on the table.

[This bill is the same as S. No. 259, introduced into the Senate by Mr. Preston, from the Committee on the Library, on February 17, 1841.]

PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES, *December* 10, 1841.

Mr. FILLMORE offered a resolution for the appointment of a select committee on the Smithsonian legacy.

Adopted, and Mr. John Quincy Adams of Mass., Mr. Richard W. Habersham of Georgia, Mr. Truman Smith of Conn., Mr. Joseph R. Underwood of Ky., Mr. Benjamine Randall of Me., Mr. Chas. J. Ingersoll of Penna., Mr. Robert M. T. Hunter of Va., Mr. Geo. S. Houston of Ala., and Mr. Sam'l S. Bowne of N. Y., were appointed said committee.

HOUSE OF REPRESENTATIVES, *December* 15, 1841.

Mr. WM. COST JOHNSON, presented the memorial of sundry citizens of Washington city, praying an early disposition of the funds of the Smithsonian bequest, in conformity with the wishes of the donor.

Referred to the select committee on the Smithsonian bequest.

HOUSE OF REPRESENTATIVES, *January* 3, 1842.

Resolved, That so much of the message of the President of the United States as relates to the Smithsonian legacy, be referred to the select committee on that subject.

HOUSE OF REPRESENTATIVES, *March* 29, 1842.

Mr. CHAS. J. INGERSOLL presented a memorial of Richard Rush, praying additional compensation for his services in recovering the Smithsonian legacy.

Referred to the committee on the bequest.

Mr. ADAMS presented a petition of B. Birdsall, of the State of New York, praying that a part of the funds of the Smithsonian bequest, be appropriated for the purpose of awarding annual prizes for the best original essays on the various subjects of the physical sciences.

Referred to the Committee on the bequest.

The following is the petition:

Your petitioner prays that a part of the funds of the "Smithsonian bequest" may be appropriated for the purpose of establishing and awarding a system of annual prizes for the best original essays on the various subjects of the physical sciences, useful arts, and abstract mathematics, &c., &c., and for such new discoveries in art or science as shall do honor to the nation; the subjects of the prizes to be given or proposed by a competent committee.

Your petitioner entertains the opinion that some such system as the one prayed for would exert a most powerful influence in favor of science in this country, and would operate as an excellent stimulant to those who are disposed to honor their country, in cultivating and promoting those branches of useful science which serve to work out the distinction between the savage and civilized state.

For this your petitioner most respectfully prays.

B. BIRDSALL.

CLINTON, *February* 9, 1842.

HOUSE OF REPRESENTATIVES, *April* 12, 1842.

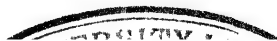
Mr. ADAMS, from the committee appointed December 10, 1841, made the following report, accompanied by a bill (H. R. 386) which was read the first and second time, and committed to the committee of the whole House on the State of the Union:

The select committee, to whom was referred so much of the message of the President of the United States, at the commencement of the present session, as relates to the bequest of James Smithson to the United States for the foundation and establishment, at the city of Washington, of an institution for the increase and diffusion of knowledge among men, respectfully submit to the House the following report:

The seventh year is already considerably advanced in its course since the then President of the United States, on the 17th of December, 1835, communicated, by message, to both Houses of Congress the fact of this bequest, with a copy of the will of James Smithson, in which it was contained; and with the remark that, the Executive having no authority to take any steps for accepting the trust, and obtaining the funds, the papers were communicated with a view to such measures as Congress might deem necessary.

This message, with its accompanying correspondence and vouchers, was referred in the Senate to their committee on the judiciary, and in the House of Representatives to a select committee of nine members, both of which committees reported in favor of the acceptance by Congress of the bequest, and of assuming, for the people of the United States, the solemn obligation of preserving inviolate the fund bequeathed by the testator, and of applying the income derived therefrom faithfully to the purposes prescribed by him.

Accordingly, on the 1st of July, 1836, a bill which had previously been passed by both Houses of Congress received the sanction of the President, authorizing him to appoint an agent or agents to recover the funds bequeathed by the will of the testator, and then being in charge of the court of chancery of Great Britain, and to deposit the same in the Treasury of the United States; and the faith of the United States was, by the same act, expressly pledged for the faithful performance of the trust assumed by the acceptance of the bequest.

An agent was appointed by virtue of this act, who recovered, by a decree of the court of chancery, a sum, which,

on the first of September, 1838, was deposited in gold at the mint of the United States at Philadelphia, amounting to five hundred and eight thousand three hundred and eighteen dollars and forty-six cents.

By the sixth section of the act of Congress for the support of the Military Academy of the United States and for other purposes, approved on the 7th of July, 1838, it was provided that all the money arising from the bequest of the late James Smithson, of London, for the purpose of founding at Washington, in this District, an institution to be denominated the Smithsonian Institution, which might be paid into the Treasury, was appropriated, and should be invested by the Secretary of the Treasury, with the approbation of the President of the United States, in stocks of States, bearing interest at the rate of not less than five per centum per annum; which said stocks should be held by the said Secretary in trust for the uses specified in the last will and testament of said Smithson, until provision should be made by law for carrying the purpose of said bequest into effect: and that the annual interest accruing on the stock aforesaid shall be in like manner invested for the benefit of said institution.

Under the authority and the requisition of this act, immediately after the deposit at the mint of the United States at Philadelphia of the moneys recovered by the decree of the court of chancery in England, the Secretary of the Treasury invested in stocks of the State of Arkansas five hundred thousand dollars, and eight thousand dollars in stocks of the State of Michigan, all at the interest of six per cent.; since which time, by the same authority, $3,800 of the stocks of the State of Arkansas, $3,600 of the State of Illinois, $18,000 of the State of Ohio, have been invested in like manner, until the 11th of September last, when the provision of the law which authorized and required the Secretary of the Treasury to invest the accruing interest on the principal fund in the stock of the States was repealed, and he was directed, until Congress shall appropriate said accruing interest to the purposes described by the testator, for the increase and diffusion of knowledge among men, to invest said accruing interest in any stock of the United States bearing a rate of interest not less than five per centum per annum. Under this authority the Secretary of the Treasury did invest the sum of $1,291.86, at the rate of 5½ per cent. a year—a rate of interest more parsimonious for the benefit of the Treasury than liberal for the benefit of this generous and bountiful fund.

The five hundred bonds, of $1,000 each, of the State of Arkansas, issued to the Bank of the State of Arkansas, are not redeemable before the 26th of October, 1860; and the thirty-eight bonds subsequently issued to the Real Estate Bank of the State of Arkansas not before the 1st of January, 1861.

The eight bonds of the State of Michigan are not redeemable before the first Monday of July, 1858.

Twenty-three thousand dollars of the bonds of the State of Illinois are not redeemable before the end of 1860; and thirty-three thousand dollars not before the 1st of January, 1870.

Eighteen thousand dollars of the bonds of the State of Ohio are not redeemable before the 1st of January, 1861.

The sum of one thousand two hundred and ninety-one dollars and eighty-six cents, due by the United States, is redeemable at their pleasure after the 31st of December, 1844.

In the bill herewith reported, it is proposed to settle three fundamental principles for the administration and management of the fund in all after time.

1st. That the principal fund shall be preserved and maintained unimpaired, with an income secured upon it at the rate of 6 per cent. a year, from which all appropriations for the purposes of the founder shall be made.

2d. That the portions of the income already accrued, and invested in stocks of the States of Arkansas, Michigan, Illinois, and Ohio, shall be constituted funds, from the annual interest of which an astronomical observator, with four assistants, and necessary laborers, shall be appointed and maintained, without expense to this nation, and with a considerable increase of the principal fund and of its annual income—a principle susceptible of extension to future application, which may continually increase at the discretion of Congress the means and capabilities of the institution to promote and accomplish the great purposes of the founder.

The establishment of this principle will have the further advantage of relieving the board of overseers from the necessity of using the bonds of the States of Arkansas, Michigan, Illinois, and Ohio, none of which are redeemable before the year 1858. The annual interest upon them, it cannot be doubted, will be hereafter, as it has been hitherto, punctually paid; and, independent of the faith of the several States, respectively pledged to this punctuality, the 4th section of the act of 4th September, 1841, to appropriate the proceeds of the sales of the public lands and to grant

preëmption rights, has furnished to those States the means of paying punctually, not only the annual interest, but at the stipulated time the principal itself, of their bonds without bearing upon the people of the States for the pressure of a single dollar.

The third principle proposed to be made by the bill fundamental, for the future management of this fund, is, that no part of the sums appropriated from this fund shall be applied to any institution of education or religious establishment. The reasons for this exclusion have been set forth at large in the document hereto annexed, and which the committee present as a part of their report. They submit especially the argument contained in the report made to this House on the 5th of March, 1840, with confidence in the opinion that the appropriation of any portion of the fund to such institutions or establishments, however meritorious, could not fail to divert the fund from the real purposes of the testator.

Annexed hereto are copies of the bonds of the several States, taken under the requirements of the act of Congress of 7th July, 1838, and of the United States, taken by authority of the act of 11th September, 1841, with a tabular statement of the present condition of the funds.

Appendix to report of Mr. Adams:

UNITED STATES OF AMERICA,

State of Illinois.

$1,000.] *Interest six per cent.* [$1,000.

CERTIFICATE OF ILLINOIS.

No. 299.] Internal improvement stock. [No. 299.

Know all men by these presents, that there is due from the State of Illinois to Thomas Mather, or bearer, one thousand dollars, with interest, at the rate of six per cent. per annum payable half yearly, on the first Mondays of January and July, at the banking house of the Bank of the United States in New York, on presentation and surrender of the annexed warrants The principal is reimbursable at the said banking house, at the pleasure of the State, after the first day of January, 1870.

For the performance of all which the faith of the State of Illinois is irrevocably pledged, agreeably to "An act to establish and maintain a general system of internal improvements," approved. February 27, 1837, and amendments thereto approved March 2, 1839, and February 1 and 3, 1840.

Witness my hand, at Springfield, this 1st day of May, 1840.

Rich'd F. Barret,
Fund Commissioner.

20 bonds of this description—6 numbered 261 to 266 inclusive, and the residue numbered 287 to 300 inclusive.

UNITED STATES OF AMERICA.

State of Arkansas.

No. 100.] A. [$1,000.

Real Estate Bank of the State of Arkansas.

Under an act of the General Assembly, entitled "An act to establish the Real Estate Bank of the State of Arkansas," approved October 26, 1836, and an act

supplementary thereto, entitled "An act to increase the rate of interest on the bonds of the State issued to the Real Estate Bank of the State of Arkansas," approved December 19, 1837.

Six per cent. stock.

Know all men by these presents, that the State of Arkansas acknowledges to be indebted to the Real Estate Bank of the State of Arkansas in the sum of one thousand dollars; which sum the said State of Arkansas promises to pay, in current money of the United States, to the order of the president, directors, and company of said bank, on the twenty-sixth day of October, one thousand eight hundred and sixty-one, with interest, at the rate of six per cent per annum, payable half yearly, at the place named in the endorsement hereto, on the first days of January and July of each year, until the payment of said principal.

[L. S.] In testimony whereof, the Governor of the State of Arkansas has signed, and the treasurer of the State has countersigned, these presents, and caused the seal of the State to be fixed thereto, at Little Rock, this first day of January, in the year of our Lord one thousand eight hundred and thirty-eight.

SAM. C. ROANE, *Governor.*

Countersigned:
WM. E. WOODRUFF, *Treasurer.*

500 bonds of this description, numbered 1 to 500, inclusive.

UNITED STATES OF AMERICA.

STATE OF ARKANSAS.

$1,000. £225. No. 294. $1,000. £225.

Bank of the State of Arkansas.

Six per cent. stock.

Under an act of the General Assembly of the State of Arkansas, entitled "An act supplemental to an act to establish the State Bank of Arkansas," approved December 18, 1837.

Know all men, that the State of Arkansas acknowledges to be indebted to the president and directors of the Bank of the State of Arkansas in the sum of one thousand dollars; which sum the said State of Arkansas promises to pay, in current money of the United States, to the order of the president and directors of said bank, on the first day of January, one thousand eight hundred and sixty-eight, with interest, at the rate of six per cent. per annum, payable half yearly at the place named in the endorsement hereto, on the first day of July and of January, of each year, until the payment of said principal.

[L. S.] In testimony whereof, the Governor of the State of Arkansas has signed, and the treasurer of the State has countersigned, these presents, and caused the seal of the State to be fixed thereto, at Little Rock, this first day of January, in the year of our Lord one thousand eight hundred and thirty-eight.

SAM. C. ROANE, *Governor.*

Countersigned:
WM. E. WOODRUFF, *Treasurer.*

These bonds have been assigned to the Secretary of the Treasury.

38 bonds of this description—13 numbered 282 to 294, inclusive; 15 numbered 359 to 373, inclusive; and 10 numbered 401 to 410, inclusive.

SPECIAL CERTIFICATE.

DETROIT AND PONTIAC RAILROAD STATE STOCK,

STATE OF MICHIGAN.

$1,000.] *Six per cent. stock.* [No. 92.

Know all men by these presents, that the State of Michigan acknowledges to owe to the Detroit and Pontiac Railroad Company the sum of one thousand dollars, lawful money of the United States of America, which sum of money the said State promises to pay to the said Detroit and Pontiac Railroad Company, or to their order, at the Manhattan Bank, in the city of New York, on the first Monday of July, in the year of our Lord one thousand eight hundred and fifty-eight, or at any time thereafter that the State may choose, with interest thereon, at the rate of six per centum per annum, payable at the said Manhattan Bank half yearly, upon presentation and the delivery of the coupons severally hereunto annexed, to wit: on the first Monday of January and the first Monday of July, in each and every year, until the payment of the said principal sum.

The faith and credit of the people of the said State are hereby solemnly pledged for the payment of the interest and the redemption of the principal thereof in accordance with the provisions of the act entitled "An act to provide

for the relief of the Detroit and Pontiac Railroad Company," approved March 5, A. D. 1838.

In testimony whereof, the Treasurer of the State of Michigan has signed this [L. S.] certificate, and has hereunto affixed the seal of his office, this first day of May, in the year of our Lord one thousand eight hundred and thirty-eight.

HENRY HOWARD,
Treasurer of the State of Michigan.

8 bonds of this description—1 numbered 76; the residue numbered 86 to 92, inclusive.

$1,000.] [$1,000.

UNITED STATES OF AMERICA,
STATE OF ILLINOIS.
No. 83.

Six per cent. stock, interest half yearly.

ILLINOIS BANK AND INTERNAL IMPROVEMENT STOCK.

Know all men by these presents, that there is due from the State of Illinois to the Bank of Illinois, or bearer, one thousand dollars, lawful money of the United States, with interest, at the rate of six per centum per annum, payable half yearly, on the first Mondays of January and July, at the Bank of the United States in Philadelphia, or at its agency in New York, at the option of the holder, on the presentation and surrender of the annexed warrants. The principal is reimbursable at either of the above places, at the pleasure of the State, after the year 1860. For the performance of all which the faith of the State of Illinois, is irrevocably pledged, as also a like amount of the stock in the Bank of Illinois, agreeably to "An act supplementary to an act to increase the capitol stock of certain banks, and to provide means to pay the interest on a loan authorized by an act entitled an 'Act to establish and maintain a general system of internal improvement,'" approved March 4, 1837.

In witness whereof, the Governor, auditor, and treasurer of the State of Illi- [L. S.] nois, have signed this certificate, and have caused the seal of the said State to be hereunto affixed, this 31st day of July, 1837.

JOSEPH DUNCAN, *Governor.*
LEVI DAVIS, *Auditor.*

JOHN D. WHITESIDE, *Treasurer.*

13 bonds of this description—4 numbered 70, 71, 73, 74, and the residue numbered 81 to 89, inclusive.

UNITED STATES OF AMERICA,
STATE OF ILLINOIS.

$1,000.] *Interest six per cent.* [$1,000.

CERTIFICATE OF ILLINOIS.

No. 2,460.] Internal improvement stock. [No. 2,460.

Know all men by these presents, that there is due from the State of Illinois to Nevins, Townsend & Co., or bearer, one thousand dollars, lawful money of the United States, with interest, at the rate of six per centum per annum, payable half yearly, on the first Mondays of January and July, at the bank of the United States in Philadelphia, or at its agency in New York, at the option of the holder, on the presentation and surrender of the annexed warrants. The principal is reimbursable at either of the above places, at the pleasure of the State, after the first day of January, 1870. For the performance of all which the faith of the State of Illinois is irrevocably pledged, agreeably to "An act to establish and maintain a general system of internal improvements," approved February 27, 1837.

Witness our hands, at Vandalia, this first day of January, 1838.

CHAS. OAKLEY,
M M. RAWLINGS,
THOMAS MATHER, } *Commissioners.*

LEVI DAVIS, *Auditor.*

3 bonds of this description, 2,457, 2,459, 2,460.

UNITED STATES OF AMERICA,

$1,000.] STATE OF ILLINOIS. [$1,000.

Six per cent. stock, interest half yearly.

ILLINOIS AND MICHIGAN.

Canal stock. No. 1,241.

Know all men by these presents, that there is due from the State of Illinois to the State Bank of Illinois, or bearer, one thousand dollars, lawful money of the

United States, with interest, at the rate of six per centum per annum, payable half yearly, on the first Mondays of January and July, at the bank of the United States in Philadelphia, or at its agency in New York, at the option of the holder, on the presentation and surrender of the annexed warrants The principal is reimbursable at either of the above places, at the pleasure of the State, after the year 1860. For the performance of all which the faith of the State of Illinois is irrevocably pledged, as also the property, tolls, and revenues of the Illinois and Michigan canal agreeably to an act, entitled "An act for the construction of the Illinois and Michigan canal," approved the 9th January, 1836.

In witness whereof, the Governor, auditor, and treasurer of the State of Illinois, have signed this certificate, and have caused the seal of the said State to be hereunto affixed, this 1st day of July, 1839. [L. S.]

THO. CARLIN, *Governor.*
LEVI DAVIS, *Auditor.*

JOHN D. WHITESIDE, *Treasurer.*

10 bonds of this description, numbered 1,237 to 1,246, inclusive.

UNITED STATES OF AMERICA,

$1,000.] STATE OF ILLINOIS. [$1,000.

Interest six per cent.

CERTIFICATE OF ILLINOIS.

No. 2,636.] [No. 2,636.

Internal improvement stock.

Know all men by these presents, that there is due from the State of Illinois to ——— ———, or bearer, one thousand dollars, with interest, at the rate of six per cent. per annum, payable half yearly, on the first Mondays of January and July, at the banking house of the agency of the Bank of the United States in New York, on presentation and surrender of the annexed warrants. The principal is reimbursable at the said banking house, at the pleasure of the State, after the 1st day of January, 1870.

For the performance of all which the faith of the State of Illinois is irrevocably pledged, agreeably to "An act to establish and maintain a general system of internal improvement," approved February 27, 1837, and an amendment, approved March 2, 1839.

Witness our hands, at Vandalia, this 1st day of July, 1839.

CHAS. OAKLEY, }
JOHN TILLSON, JR. } *Commissioners.*

10 bonds of this description, numbered 2,629, 2,632, 2,634, 2,636, 2,639, 2 648, 2,658, 2,660, 2,661, 2,664.

STATE OF OHIO CANAL STOCK.

Transfer Office, Office of the Ohio Life Insurance and Trust Company, in the city of New York, August 7, 1841.

Be it known, that the State of Ohio owes to the Secretary of the Treasury of the United States, in trust for the Smithsonian fund, or his assigns, the sum of five thousand dollars bearing interest at the rate of six per centum per annum, from the first day of July, 1841, inclusively, payable at this office half yearly on the first days of the months of January and July, being stock created in pursuance of sundry acts of the Legislature of the State of Ohio passed March 24th, 1837, the principal of which stock is reimbursable at the pleasure of the State, at any time after the thirty-first day of December, in the year 1860; which debt is recorded in this office, and is transferable only by appearance in person or by attorney, according to the rules and forms instituted for that purpose.

No. 3,179. In testimony whereof, I, J. N. Perkins, cashier of the Ohio Life Insurance and Trust Company, agent, duly appointed for that purpose by the Commissioners of the Canal Fund of Ohio, pursuant to authority vested in them by the acts aforementioned, have hereunto subscribed my name, and affixed the seal of said commissioners, the day and year first above mentioned. [L. S.]

$5,000. J. N. PERKINS.

SAM. P. BULL, *Transfer Office.*

STATE OF OHIO CANAL STOCK.

Transfer Office, Office of the Ohio Life Insurance and Trust Company, in the city of New York Augus. 6, 1841.

Be it known, that the State of Ohio owes to the Secretary of the Treasury of the United States in trust, for the Smithsonian fund, or his assigns, the sum of thirteen thousand dollars, bearing interest at the rate of six per cen um per annum, from the first day of July, 1841, inclusively, payable at this office half yearly on the first day of the months of January and July, being stock created

in pursuance of sundry acts of the Legislature of Ohio passed March 19, 1838, and March 23, 1840, the principal of which stock is reimbursable at the pleasure of the State, at any time after the thirty-first day of December, in the year 1860; which debt is recorded in this office, and is transferable only by appearance in person or by attorney, according to the rules and forms instituted for that purpose.

No. 3,176. In testimony whereof, I, J. N. Perkins, cashier of the Ohio Life Insurance and Trust Company, agent, duly appointed for that purpose by the Commissioners of the Canal Fund of Ohio, pursuant to authority [L. S.] vested in them by the acts aforementioned, have hereunto subscribed my name, and affixed the seal of said commissioners, the day and year first above mentioned.

J. N. PERKINS,
Cashier Ohio Life Insurance and Trust Co.

SAM. P. BULL, *Transfer Office.*
$13,000.

UNITED STATES LOAN OF 1841.

$1,291.86. $1,291.86.

No. 66. No. 66.

TREASURY DEPARTMENT, *September* 28, 1841.

Be it known that there is due from the *United States of America* unto the Secretary of the Treasury, for the time being, in trust for the Smithsonian fund, or his assigns, the sum of *one thousand two hundred and ninety-one dollars and eighty-six cents*, dollars bearing interest at five and a half per centum per annum, from the eighteenth day of September, 1841, inclusively, payable quarter yearly, being stock created in pursuance of an act of *Congress* passed on the 21st day of July, 1841, entitled "An act authorizing a loan not exceeding the sum of twelve millions of dollars," the principal of which stock is reimbursable at the pleasure of the *United States*, at any time after the thirty first day of December, 1841; which debt is recorded in and transferable at the office of the *Register* of Treasury, by appearance in person or by attorney, according to the rules and forms nstituted for that purpose.

WALTER FORWARD,
Secretary of the Treasury.

Countersigned:
T. L. SMITH, *Register.*

Stocks in which the Smithsonian Fund is invested.

Stock.	Amount.	Rate of interest, and when payable.	When and where redeemable.	For what object issued.
Stock of the State of Arkansas.	$38,000 00	6 per cent., payable at New York.	1st of January, 1868, at New York...	Issued to Bank of the State of Arkansas.
Stock of the State of Arkansas.	500,000 00	Do....	26th October, 1861, at New York..	Real Estate Bank of the State of Arkansas.
Stock of the State of Michigan.	8,000 00	Do.	First Monday of July, 1858, at New York or at any time thereafter, as the State may choose.	Detroit and Pontiac Railroad company.
Stock of the State of Illinois.	13,000 00	6 per cent., payable at New York or Philadelphia, at the option of the holder.	At New York or Philadelphia, at the pleasure of the State, after 1860.	Bank and internal improvement stock.
Stock of the State of Illinois.	3,000 00	Do.	At New York or Philadelphia, at the pleasure of the State, after the 1st of January, 1870.	Internal improvement stock.
Stock of the State of Illinois.	30,000 00	6 per cent., payable at New York.	At New York, at the pleasure of the State, after the 1st of January, 1870.	Ditto.
Stock of the State of Illinois.	10,000 00	6 per cent., payable at New York or Philadelphia, at the option of the holder.	At New York or Philadelphia, at the pleasure of the State, after the year 1860.	Illinois and Michigan canal stock.
Stock of the State of Ohio.	18,000 00	6 per cent., payable at New York.	At the pleasure of the State, at any time after the 31st December, 1860.	State of Ohio canal stock.
Stock of the United States created by the act of 21st of July, 1841.	1,291 86	5½ per cent....................	At the pleasure of the United States, at any time after the 31st December, 1844.	
Amount........................	$628,291 86			

[H. R. No. 386.]

A BILL to provide for the disposal and management of the fund bequeathed by James Smithson to the United States, for the establishment of an institution for the increase and diffusion of knowledge among men.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the Senate and the Speaker of the House of Representatives of the United States, the Chief Justice of the United States, the Secretaries of State, Treasury, War, and Navy, the Postmaster and Attorney Generals, the Chief Justice of the Circuit Court of the United States for the District of Columbia, and the Mayor of the city of Washington, shall be, and hereby are, constituted a body politic and corporate, by the style and title of the trustees of the Smithsonian Institution for the increase and diffusion of knowledge among men, with perpetual succession, and the usual powers, duties, and liabilities, incident to corporations.

SEC. 2. *And be it further enacted,* That the corporation so constituted shall have power to appoint, from citizens of the United States other than members of the board, a secretary and a treasurer, to hold their offices during the pleasure of the board, and removable at their pleasure, and others to be appointed in their places, and to fix from time to time their compensations. And the secretary and treasurer only shall receive pecuniary compensation for their services, and those of the members of the board of trustees shall be gratuitous. And the offices of secretary and treasurer may, at the discretion of the board of trustees, be held by the same person. The secretary and treasurer shall be sworn to the faithful discharge of the duties of their respective offices; and the treasurer shall give bond, with the penalty of fifty thousand dollars, with sureties to the satisfaction of the Secretary of the Treasury, for the safe custody and faithful application of all the funds of the Institution which may come to his hands or be at his disposal.

SEC. 3. *And be it further enacted,* That the sum of five hundred and eight thousand three hundred and eighteen dollars and forty-six cents, placed in the Treasury of the United States on the first day of September, eighteen hundred and thirty-eight, as the proceeds, in part, of the bequest of James Smithson to the United States, together with all sums which have been or may hereafter be realized from the said bequest, shall be passed hereafter to the credit of a fund, to be denominated the Smithsonian fund, in the Treasury of the United States. And the faith of the United States is hereby pledged for the preservation of the said fund undiminished and unimpaired, to bear interest at the rate of six per cent. a year, payable half-yearly, on the first days of January and July, to the treasurer of the board of trustees of the Smithsonian fund, to be applied to the purposes of the fund, conformably to the laws, and subject to the revision and regulations of the board of trustees.

SEC. 4. *And be it further enacted,* That no part of the said Smithsonian fund, principal or interest, shall be applied to any school, college, university, other institute of education, or ecclesiastical establishment.

SEC. 5. *And be it further enacted,* That the appropriations to be made from time to time by Congress, to the purposes of the Smithsonian Institution, as declared by the testator, shall be exclusively from the accruing interest, and not from the principal, of the said fund; but Congress shall retain the power of investing, at their discretion, the principal of said fund and its increase in any other manner, so as to secure not less than a yearly interest of six per cent., and may appropriate, from any other unappropriated moneys in the Treasury, sums to an amount not exceeding six years of the accruing interest on the Smithsonian fund, to be repaid from the said accruing interest into the Treasury.

SEC. 6. *And be it further enacted,* That the sum of thirty thousand dollars, part of the accruing interest on the same Smithsonian fund, be, and

the same is hereby, appropriated towards the erection and establishment, at the city of Washington, of an astronomical observatory, adapted to the most effective and continual observations of the phenomena of the heavens; to be provided with the necessary, best, and most perfect instruments and books, for the periodical publication of the said observations, and for the annual composition and publication of a nautical almanac.

SEC. 7. *And be it further enacted*, That the said observatory shall be erected under the direction of the board of trustees, on a site in the city of Washington, to be selected by them; and, should the same be on land belonging to the United States, so much thereof as, in the opinion of the trustees, shall be necessary for the purpose, shall be conveyed to them, in consideration of the sum of ten thousand dollars, taken from that fund by the general appropriation act of third March, eighteen hundred and thirty-nine: *Provided*, That if no such suitable site can be found on the public lands, that then a selection of a site on private property may be made, at a price not exceeding one-half cent per square foot; to be paid out of the appropriation in the immediately preceding section of this act.

SEC. 8. *And be it further enacted*, That all expenditures made by the said board of trustees shall be subject to the approval of the President of the United States; and all the accounts thereof shall be reported to the Secretary of the Treasury, and audited, under his direction, by the proper officers of the Treasury Department; and the said board shall report to Congress, at every session thereof, the state of the Smithsonian fund, and a full statement of their receipts and expenditures during the preceding year.

SEC. 9. *And be it further enacted*, That the first meeting of the trustees of the Smithsonian fund shall be held at the city of Washington on the third Tuesday of —— next; and that, in the mean time, the custody of the said fund, and the expenditures under the appropriations herein made, shall be held and authorized by the Secretary of the Treasury, subject to the approbation of the President of the United States.

SEC. 10. *And be it further enacted*, That there shall be a board of visitors, to be annually appointed, consisting of nine members; two of whom to be commissioned officers of the army, to be appointed by the Secretary of War; two commissioned officers of the navy, to be appointed by the Secretary of the Navy; the mayors for the time being of the cities of Alexandria and of Georgetown, within the District of Columbia; and one citizen of each of the cities of Washington, Alexandria, and Georgetown, to be appointed by the President of the United States; who shall meet on the first Monday of February, at eleven o'clock, before noon, at the said astronomical observatory, and visit and inspect the condition of the said observatory, and of the Smithsonian Institution generally. They shall choose among themselves a chairman, and shall make report to the President of the United States of the said condition of the institution, specifically indicating in what respect the institution has, during the preceding year, contributed to the purpose of the founder—the increase and diffusion of knowledge among men. To this board the astronomical observator shall make a report to the same effect, so far as regards the astronomical branch of the institution; which report shall be annexed to that of the board to the President of the United States, who shall communicate the said reports to Congress. The services of the members of the said board shall be gratuitous.

SEC. 11. *And be it further enacted*, That there is reserved to Congress the right of altering, amending, adding to, or repealing, any of the provisions of this act, which shall be found inconvenient upon experience: *Provided*, That no contract or individual right, made or acquired under such provisions, shall thereby be impaired or divested.

SEC. 12. *And be it further enacted*, That the sum of sixty thousand dollars of the interest accrued, and now invested in bonds of the State of Arkansas and ———, bearing an interest at the rate of six per cent. a year, be, and it is hereby, constituted a fund, from the yearly interest of which

the compensation shall be paid of an astronomical observator, to be appointed by the board of overseers, removable at their discretion, and another to be appointed whenever the said office may be vacant; his compensation shall be at the rate of three thousand dollars a year, and six hundred dollars a year for the incidental and contingent expenses of repairs upon the buildings, as they may be required.

SEC. 13. *And be it further enacted*, That the sum of one hundred and twenty thousand dollars, from the interest already accrued or to accrue hereafter to that amount, and yielding yearly interest at the rate of six per cent, a year, be, and is hereby, constituted a fund, from the interest of which four assistants to the astronomer, and laborers necessary for attendance on him, for the care and preservation of the buildings, shall be provided and supported. The compensation of the four assistants to be at the rate of fifteen hundred dollars a year each; and the compensation of the laborers (with compensations not to exceed in amount for the whole of those found necessary) twelve hundred dollars a year; the assistants and laborers to be appointed and removable by the said board of trustees, at their discretion.

SEC. 14. *And be it further enacted*, That the sum of twenty thousand dollars, of the interest hereafter to accrue from the said Smithsonian fund, be, and is hereby, appropriated to furnish an assortment of the best and most perfect instruments for astronomical observation, to be procured under the direction of the astronomical observator, to be appointed conformably to the twelfth section of this act.

SEC. 15. *And be it further enacted*, That the further sum of ten thousand dollars, of the interest to accrue on the said fund, be, and hereby is, constituted a fund, from the interest of which other instruments may be from time to time procured, as occasions for the use of them may arise, and for repairs of instruments, as needed.

SEC. 16. *And be it further enacted*, That the sum of ten thousand dollars, to accrue from the future interest on the said fund, be, and the same is hereby, appropriated for the purchase of a library of books of science and literature, for the use of the observatory, to be selected by the observator; and the further sum of twenty thousand dollars, of the said interest to accrue from the said fund, is hereby constituted a fund, from the yearly interest of which the sum of twelve hundred dollars shall be applied for the constant supply of new works, transactions of learned societies, and periodical publications upon science in other parts of the world or in America.

SEC. 17. *And be it further enacted*, That the further sum of thirty thousand dollars, of the interest hereafter to accrue from the said principal Smithsonian fund, be, and hereby is, constituted a fund, from the income of which, being eighteen hundred dollars a year, shall be defrayed the expense of the yearly publication of the observations made at the observatory, and of a nautical almanac, to be called the Smithsonian almanac.

SEC. 18. *And be it further enacted*, That, for any other moneys which have accrued, or may hereafter accrue, upon the said Smithsonian fund, not herein appropriated, the board of trustees are hereby authorized to make such disposal as they shall deem necessary for the promotion of the purpose of the testator—the increase and diffusion of knowledge among men.

APRIL 12, 1842.

The Speaker presented additional documents in support of the memorial of Richard Rush, which were referred to the Committee of Claims.

On motion of Mr. Adams, it was then ordered that the committee on the Smithsonian bequest be discharged from the memorial of Richard Rush, and that it be referred to the Committee of Claims.

HOUSE OF REPRESENTATIVES, *August* 5, 1842.

Bill No. 479, for the relief of Richard Rush was passed. The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury pay, out of any money in the Treasury not otherwise appropriated, to Richard Rush, the sum of three thousand eight hundred and fifteen dollars and seventy-three cents, for extra services in converting the Smithsonian funds received by him, as the agent of the United States, into gold coin, and for his aid and supervision in transporting the same from London to the mint at Philadelphia.

HOUSE OF REPRESENTATIVES, *August* 27, 1842.

A petition of Henry L. Ellsworth, Elisha Whittlesey, J. S. Skinner, and others, on behalf of the Agricultural Society of the United States, asking for the disposal of a portion of the Smithsonian fund, for the establishment of an agricultural school and farm in the District of Columbia, was laid on the table.

The following is the memorial:

The memorial of the undersigned respectfully represents: That they, and those associated with them, have formed a society in the District of Columbia, to be called "The Agricultural Society of the United States," which is designed in various ways to promote the improvement of American husbandry.

For that purpose they have adopted a constitution, and applied to Congress for an act of incorporation. The objects of the society are fully explained in the constitution, a copy of which has been laid before Congress. One of these is the establishment of a school and farm in this District, with a course of lectures for instruction and experiments to advance the condition of agriculture throughout the Union, and thus diffuse wider among men that knowledge so essential to the improvement of this most important pursuit.

They therefore, in pursuance of a resolve * adopted by said society, a copy of which is hereto annexed, pray Congress to set apart and apply to the above objects the residue of

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* *Vide* 15th article of constitution, presented August 27, 1842:

"ART. 15. The said board (board of control) shall also be instructed to make efforts to obtain funds for the establishment of an agricultural school in the District of Columbia, and, appurtenant thereto, a course of public lectures on agriculture, chemistry, botany, mineralogy, geology, and entomology, as appropriate sciences to the great *business of agriculture*, and an experimental farm, which, with the buildings and improvements thereon, shall be set apart forever *as an establishment for the increase and diffusion of knowledge among men.*"

the Smithsonian fund, or such portion of it as in the opinion of Congress can be most usefully and properly expended in that manner.

HENRY ELLSWORTH.
ELISHA WHITTLESEY.
J. S. SKINNER.
JNO. A. SMITH.
ALEXANDER HUNTER.

WASHINGTON, *December*, 1841.

PROCEEDINGS IN THE SENATE.

SENATE, *December* 5, 1843.

Message of the President, John Tyler.

* * In connection with its other interests as well as those of the whole country, I recommend that at your present session you adopt such measures, in order to carry into effect the Smithsonian bequest, as in your judgment will be the best calculated to consummate the liberal intent of the testator. * *

SENATE, *December* 15, 1843.

On motion of Mr. Choate, the above message was referred to the Committee on the Library.—Mr. Choate, Mr. Tappan, and Mr. Berrien.

SENATE, *June* 6, 1844.

Mr. Tappan from the Committee on the Library reported the following bill, (S. 188,) which was read and passed to a second reading:

A BILL to establish the Smithsonian Institution, for the increase and diffusion of knowledge among men.

Whereas James Smithson, esquire, of London, in the kingdom of Great Britain, by his last will and testament did give the whole of his property to the United States of America, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men; and whereas Congress have heretofore received said property and accepted said trust; therefore, that the same may be executed in good faith, and according to the will of the liberal and enlightened donor—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the property of the said James Smithson as has been received in money and paid into the Treasury of the United States, being the sum of five hundred and eight thousand three hundred and eighteen dollars, be loaned to the United States Treasury, at six per cent. per annum interest, from the third day of December, in the year one thousand eight hundred and thirty-eight, when the same was received into the said Treasury; and that so much of the interest

as may have accrued on said sum on the first day of July next, which will amount to the sum of one hundred and seventy-eight thousand six hundred and four dollars, be, and the same is hereby, appropriated for the erection of suitable buildings, and the enclosing of suitable grounds, for the Smithsonian Institution established by this act; and that six per cent. interest on the said trust fund, it being the said amount of five hundred and eight thousand three hundred and eighteen dollars, received into the United States Treasury, third of December, one thousand eight hundred and thirty-eight, payable, in half yearly payments, on the first of January and July in each year, be, and the same is hereby, appropriated for the perpetual maintenance and support of said institution.

SEC. 2. *And be it further enacted*, That the business of said institution shall be conducted by a board of managers, to consist of twelve, no two of whom shall be citizens of the same State or Territory; that the persons first appointed on the board of managers shall meet in the city of Washington, on the first Monday of September next after the passage of this act, and, when met, shall divide themselves, by lot, into three sections, one of which shall serve two years, one four, and the other six years; and whenever a vacancy occurs in said board, the same shall be filled by such person as may be appointed by a joint resolution of Congress; that all those who may be appointed to fill vacancies occasioned by death, resignation, or removal out of the United States, shall serve the residue of the term, and all those who may be appointed to fill vacancies which occur by lapse of time shall serve for the term of six years; that after said board shall have met and become organized by appointing one of their own body president of said board, it shall be their duty to proceed to select a suitable site for such building as may be, in their judgment, necessary for the institution, and suitable ground not exceeding ten acres, for horticultural and agricultural experiments, which ground may be taken and appropriated out of that part of the public ground in the city of Washington called the Mall; and the ground so selected shall be set out by proper metes and bounds, and a description of the same shall be made and recorded in a book to be provided for that purpose, and signed by said managers, or so many of them as may be convened on said first Monday of September; and such record, or a copy thereof, certified by the president of the board of managers, shall be received as evidence in all courts of the extent and boundaries of the lands appropriated to said institution.

SEC. 3. *And be it further enacted*, That, so soon as the board of managers shall have selected the site for the buildings of the institution, they shall cause to be erected a suitable building, of plain and durable materials and structure, without unnecessary ornament, and of sufficient size, and with suitable rooms for the reception and arrangement of objects of natural history, a library, a chemical laboratory, and lecture room or rooms; and the said board shall have authority, by themselves, or by a committee of three of their members, to contract for the completion of such building upon such plan as may be directed by the board of managers, and shall take sufficient security to the Treasurer of the United States for the building and finishing the same according to said plan, and in the time stipulated in such contract: *Provided, however*, That the expense of said building shall not exceed the sum of eighty thousand dollars, which sum is hereby appropriated for that purpose out of any money in the Treasury not otherwise appropriated; and the board of managers shall also cause the grounds selected for horticultural and agricultural purposes to be enclosed and secured, and a suitable building erected to preserve such plants as will not bear exposure to the weather at all seasons; and the sum of twenty thousand dollars is hereby appropriated for such building and enclosure, to be paid out of any moneys in the Treasury not otherwise appropriated; and so soon as it may be necessary for the accommodation of the persons employed in said institution, the said board of managers may cause to be erected on the grounds of the institution such dwelling houses and other buildings, of plain and substantial

workmanship and materials, to be without unnecessary ornament, as may be wanted: *Provided however*, That the whole expense of building and furnishing as many such houses as may be required shall not exceed the residue of said interest which will have accrued on the first day of July next; and for the said expenditure the said residue of said interest, amounting to the sum of seventy-eight thousand six hundred and four dollars, is hereby appropriated, payable out of any moneys in the Treasury not otherwise appropriated; and all such contracts as may be made by said board of managers shall be deposited with the Treasurer of the United States; and all questions which may arise between the United States and any person claiming under and by virtue of any such contract shall be heard and determined by said board of managers, and such determination shall be final and conclusive upon all parties; and all claims on any contract made as aforesaid shall be allowed and certified by the board of managers, or a committee thereof, as the case may be, and being signed by the president of the board, shall be a sufficient voucher for settlement and payment at the Treasury of the United States.

SEC. 4. *And be it further enacted*, That, so soon as buildings shall be erected for their reception, all objects of natural history belonging to the United States, which may be in the city of Washington, in whosesoever custody the same may be, shall be delivered to such persons as may be authorized by the board of managers to receive them, and shall be arranged by the professor of natural history in such order and so classed as best to facilitate the examination and study of them in the building so as aforesaid to be erected for the institution; and the managers of said institution shall afterwards, as new specimens in natural history may be obtained for the museum of the institution by exchanges of duplicate specimens belonging to the institution (which they are hereby authorized to make) or by donations which they may receive, cause such new specimens to be also appropriately classed and arranged. And the minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States, and are now placed in the Patent Office, shall be removed to said institution and shall be preserved separate and apart from the other property of the institution.

SEC. 5. *And be it further enacted*, That the managers of said institution shall appoint a superintendent, whose duty it shall be to take charge of the ground, buildings, and property, belonging to the institution, and carefully preserve the same from injury; and such superintendent shall be the secretary of the board of managers, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in said institution; and the said superintendent shall also discharge the duties of professor of agriculture and of horticulture in said institution, and in that capacity may, with the approbation of the board of managers, employ, from time to to time, so many gardeners and other laborers as may be necessary to cultivate the ground and keep in repair the buildings of said institution; and the superintendent shall receive for his services such sum as may be allowed by the board of managers, to be paid semi-annually on the first day of January and July; and the said superintendent shall be removable by the board of managers whenever, in their judgment, the interest of the intitution may require the superintendent to be changed.

SEC. 6. *And be it further enacted*, That, at the first meeting of the board of managers, they shall fix on the times for regular meetings of the board, and on application of any three of the managers to the superintendent of the institution, it shall be his duty to appoint a time for a special meeting of the board, of which he shall give notice by letter to each of the members, and at any meeting of the board of managers seven shall constitute a quorum to do business; that each member of the board of managers shall be paid his necessary travelling and other expenses in attending meetings of the board, which shall be audited, allowed, and recorded, by the superintendent of the institution. And whenever any person employed by the authority of the institution shall have performed service entitling him to com-

pensation, whether the same shall be by way of salary payable semi-annually or wages for labor, the superintendent shall certify to the president of the board that such compensation is due, whereupon the president shall certify the same to the proper officer of the Treasury Department for payment.

SEC. 7. *And be it further enacted*, That the board of managers may appoint some suitable person as professor of natural history, a professor of chemistry, and a professor of astronomy, with such other professors as the wants of science may require. They shall also employ able men to lecture in the institution upon the arts and sciences, and shall fix the compensation of such professors and lecturers: *Provided*, That no professorship shall be established or lecturer employed to treat or lecture on law, physic, or divinity, it being the object of the institution to furnish facilities for the acquisition of such branches of knowledge as are not taught in the various universities.

SEC. 8. *And be it further enacted*, That the board of managers shall make all needful rules, regulations, and by-laws, for the government of the institution and the persons employed therein; they shall direct and prescribe the experiments to be made by the professor of agriculture and horticulture, to determine the utility and advantage of new modes and instruments of culture, to determine whether new fruits, plants, and vegetables, may be cultivated to advantage in the United States; and they shall direct the distribution of all such fruits, plants, seeds, and vegetables, as shall be found useful and adapted to any of our soils and climates, so that the people in every part of the Union may enjoy the benefit and advantage of the experiments made by the institution; they shall also make rules and regulations for the admission of students in the various departments of the institution, and their conduct and deportment while they remain therein: *Provided*, That all instruction in said institution shall be gratuitous to those students who conform to such rules and regulations.

SEC. 9. *And be it further enacted*, That   be appointed managers of the said Smithsonian Institution, to hold their offices as is hereinbefore provided.

PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES, *January* 2, 1844.

Mr. J. Q. ADAMS moved the following resolution which was read, and the rule requiring the same to lie upon the table one day being dispensed with, it was considered and agreed to, viz:

Resolved, That the Secretary of the Treasury be directed to report to this House the present state and condition of the funds bequeathed by James Smithson to the United States, for the establishment at the city of Washington of an institution for the increase and diffusion of knowledge among men; with a statement of what payments of interest have been received, and what if any, have been refused or withheld on the State stocks in which the said funds were invested; the amount of interest so withheld or refused to be paid; and what measures have been taken by the Secretary to recover the same; also by whose agency the said investments were made; with copies of any correspondence of the Treasury Department with such agents relating thereto.

HOUSE OF REPRESENTATIVES, *February* 2, 1844.

Mr. WILLIAMS presented a petition of Horatio C. Merriam, of Massachusetts, that a portion of the Smithsonian bequest

be applied to promote agricultural education, that science being heretofore neglected in the systems of education of this country; which was referred to the Committee on Agriculture.

HOUSE OF REPRESENTATIVES, *February* 19, 1844.

The Speaker laid before the House the following communication, viz:

A letter from the Secretary of the Treasury, in answer to a resolution of the House of Representatives of the 3d of January last, transmitting statements showing the present state and condition of the funds bequeathed by James Smithson to the United States; the payments of interest that have been received, and what have been refused or withheld on the State stocks in which the said funds were invested, and the amount of interest so withheld; and stating what measures had been taken to recover the interest withheld; also, accompanied with copies of the correspondence in relation to the purchase of State stocks for the fund: which letter and accompanying documents were, on motion of Mr. John Quincy Adams, referred to a select committee of nine members.

Mr. John Quincy Adams, Mr. Houston, Mr. Chappell, Mr. French, Mr. Lucas, Mr. Brengle,* Mr. Yost, Mr. E. D. Potter, and Mr. Wethered,* were appointed the said committee.

The following is the letter:

TREASURY DEPARTMENT, *February* 17, 1844.

SIR: In compliance with the resolution of the House of Representatives of the 3d of January last, I have the honor to transmit the accompanying statements A, B, C, showing "the present state and condition of the funds bequeathed by James Smithson to the United States, for the establishment of an institution for the increase and diffusion of knowledge among men; the payments of interest that have been received, and what have been refused, or withheld, on the State stocks in which the said funds were invested, and the amount of interest so withheld."

I have the honor further to report, in compliance with the resolution, that the only measures taken to recover the interest so withheld were, by retaining in the Treasury the amounts stated in statement C, under the provisions of the

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* This committee, though ordered, was not *actually appointed* until Messrs. Brengle and Wethered took their seats.

fourth section of the act of 4th September, 1841; there being no other means by which the department could compel the payment of interest then in arrear.

The resolution also requires to be reported "by whose agency the said investments were made, with copies of any correspondence of the Treasury Department with such agents relating thereto."

In reply to this, I have the honor to state that it does not appear that any agent was ever appointed to make these investments. The correspondence in relation to the purchase of State stocks, for the fund, appears to have been principally with stock-brokers; and copies are annexed, marked from D No. 1, to D No. 63.

I have the honor to be, very respectfully, your obedient servant,

J. C. SPENCER,
Secretary of the Treasury.

HON. J. W. JONES,
Speaker of the House of Representatives.

A.

Statement of the condition of the "Smithsonian fund in the Treasury of the United States," on the 12th January, 1844.

Date	*The bequest.*	Amount	Total	Date	*Expended for bonds and stocks.*	Amount
Sept. 4, 1838	For this sum arising from the bequest of the late James Smithson, of London, for founding at Washington an institution for the increase and diffusion of knowledge among men, to be denominated the Smithsonian Institution	$500,000 00		Sept. 4, 1838	$500,000, 6 per cent. bonds of the State of Arkansas, at 99 9-10 per cent. purchased by the Secretary of the Treasury in trust for the Smithsonian fund, per act of July 7, 1838	$499,500 00
Sept. 30, 1838	Do.	8,818 46	$508,818 46	Nov. 23, 1838	8,000, 6 per cent. bonds of the State of Michigan, including interest from May 1 to November 23, 1838, at par	8,270 67
	Interest on investments.			Dec. 29, 1838	10,000, 6 per cent. bonds of the State of Arkansas, at par	10,000 00
Dec. 29, 1838	For this sum arising from moneys invested for the benefit of the Smithsonian Institution, per acts of July 7, 1838, and September 11, 1841	9,939 57		July 6, 1839	13,000, 6 per cent. bonds of the State of Arkansas, at $98\frac{3}{4}$ per cent.	12,837 50
July 1, 1839	Do.	15,540 00		Feb. 3, 1840	26,000, 6 per cent. bonds of the State of Illinois, at 73 per cent.	18,980 00
Feb. 3, 1840	Do.	15,930 00		Sept. 21, 1840	15,000, 6 per cent. bonds of the State of Arkansas, at $69\frac{3}{4}$ per cent.	10,555 00
July 13, 1840	Do.	16,710 00		Dec. 3, 1840	6,000, 6 per cent. bonds of the State of Illinois, at $69\frac{3}{4}$ per cent., with in-	

Feb. 1, 1841	Do.	17,160 00			terest from July 1 to August 7, 1840	4,223 00
June 30, 1841	Do.	5,000 00				
Aug. 9, 1841	Do.	12,100 00		Feb. 1, 1841	24,000, 6 per cent. bonds of the State of Illinois, at 79½ per cent., with interest from January 1 to February 1, 1841	19,200 00
Sept. 18, 1841	Do.	1,140 00				
Mar. 31, 1842	Do.	557 76				
July 9, 1842	Do.	540 00				
Aug. 25, 1842	Do.	38 04				
Nov. 26, 1842	Do.	480 00		Aug. 7, 1841	18,000, 6 per cent. canal stock of the State of Ohio, at 94 per cent., with interest from July 1 to 20, 1841	12,263 33
Dec. 13, 1842	Do.	4,482 79				
Do.	Do.	3,360 00				
Jan. 3, 1843	Do.	113 05				
Jan. 6, 1843	Do.	540 00		Aug. 10, 1841	5,000, 6 per cent. canal stock of the State of Ohio, at 94 per cent., with interest from July 1 to 20, 1841	4,716 67
April 20, 1843	Do.	1,680 00				
Do.	Do.	240 00				
Do.	Do.	529 37				
July 7, 1843	Do.	540 00				
July 20, 1843	Do.	363 11		Sept. 27, 1841	1,291 86, 5½ per cent. stock of the United States, at par	1,291 86
Jan. 4, 1844	Do.	878 87				
			107,862 56	Aug. 27, 1842	1,135 80, 6 per cent. stock of the United States, at par	1,135 80
				Dec. 29, 1842	8,322 79, 6 per cent. stock of the United States, at par	8,322 79
				Mar. 31, 1843	653 05, 6 per cent. stock of the United States, at par	653 05
				Jan. 12, 1844	4,231 35, 5 per cent. stock of the United States, at par	4,231 35
			$616,181 02		$635,634 85	$616,181 02

B.—*Statement exhibiting the amount and description of the State by the Secretxry of the Treasury, in trust, for the benefit of the to the* 31*st December*, 1843.

Date of purchase.	Amount and description of bonds and stocks.	Period from which interest commences.	December 31, 1838.
Sept. 4, 1838	$500,000 00 Arkansas 6 per cent. bonds	Sept. 5, 1838	$9,619 57
Nov. 23, 1838	8,000 00 Michigan 6 per cent. bonds	May 1, 1838	320 00
Dec. 29, 1838	10,000 00 Arkansas 6 per cent. bonds	Jan. 1, 1839	
July 6, 1839	13,000 00 Arkansas 6 per cent. bonds	July 1, 1839	
Feb. 3, 1840	26,000 00 Illinois 6 per cent. bonds	Jan. 1, 1840	
Sept. 21, 1840	15,000 00 Arkansas 6 per cent. bonds	July 1, 1840	
Dec. 3, 1840	6,000 00 Illinois 6 per cent. bonds	do.	
Feb. 1, 1841	24,000 00 Illinois 6 per cent. bonds	Jan. 1, 1841	
Aug. 7, 1841	13,000 00 Ohio 6 per cent. canal stock	July 1, 1841	
Aug. 10, 1841	5,000 00 Ohio 6 per cent. canal stock	do.	
Sept. 27, 1841	1,291 86 United States 5½ per cent. stock	Sept. 18, 1841	
Aug. 27, 1842	540 00 United States 6 per cent. stock	Jan. 3, 1842	
Do.	17 76 United States 6 per cent. stock	Jan. 25, 1842	
Do.	540 00 United States 6 per cent. stock	July 7, 1842	
Do.	38 04 United States 6 per cent. stock	Aug. 15, 1842	
Dec. 29, 1842	480 00 United States 6 per cent. stock	Nov. 26, 1842	
Do.	7,842 79 United States 6 per cent. stock	Dec. 13, 1842	
Mar. 31, 1843	113 05 United States 6 per cent. stock	Jan. 3, 1843	
Do.	540 00 United States 6 per cent. stock	Jan. 4, 1843	
Jan. 12, 1844	4,281 35 United States 5 per cent. stock	Jan. 1, 1844	
	$635,634 85		$9,939 57

bonds, and stocks of the United States and State of Ohio, purchased Smithsonian Institution, with the interest which has accrued thereon

Period to which interest has become due.					Total amount of interest accrued to December 31, 1843.
December 31, 1839.	December 31, 1840.	December 31, 1841.	December 31, 1842.	December 31, 1843.	
$30,000 00	$30,000 00	$30,000 00	$30,000 00	$30,000 00	$159,619 57
480 00	480 00	480 00	480 00	480 00	2,720 00
600 00	600 00	600 00	600 00	600 00	3,000 00
390 00	780 00	780 00	780 00	780 00	3,510 00
----------	1,560 00	1,560 00	1,560 00	1,560 00	6,240 00
----------	450 00	900 00	900 00	900 00	3,150 00
----------	180 00	360 00	360 00	360 00	1,260 00
----------	----------	1,440 00	1,440 00	1,440 00	4,320 00
----------	----------	390 00	780 00	780 00	1,950 00
----------	----------	150 00	300 00	300 00	750 00
----------	----------	20 28	71 04	71 04	162 36
----------	----------	----------	32 31	32 40	64 71
----------	----------	----------	96	1 08	2 04
----------	----------	----------	15 75	32 40	48 15
----------	----------	----------	87	2 28	3 15
----------	----------	----------	2 80	28 80	31 60
----------	----------	----------	24 84	495 05	519 89
----------	----------	----------	----------	6 75	6 75
----------	----------	----------	----------	32 18	32 18
$31,470 00	$34,050 00	$36,680 28	$37,348 57	$37,901 98	$187,390 40

C.

Statement exhibiting the payments of interest which have been received into the Treasury on account of the Smithsonian fund, and the amount remaining due and unpaid December 31, 1843.

Date of covering warrant.				Interest due and unpaid.	
	It will be seen from the accompanying statement, (marked B,) that the whole amount of interest which has accrued upon the several State bonds, and stocks of the State of Ohio and the United States, from the date of purchase to the 31st December, 1843, is				$187,390 40
	Of this sum, there has arisen upon bonds of the State of Arkansas, (as per statement marked B,) the sum of		$169,279 57		
	On account of which sum, the following payments have been received into the Treasury, viz:				
Dec. 29, 1838	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, December 28, 1838	$9,619 57			
July 1, 1839	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, July 1, 1839	15,300 00			
Feb 3, 1840	This sum deposited to the credit of the Treasurer of the United States in the Franklin Bank of Baltimore, January 13, 1840	15,690 00			
July 13, 1840	This sum deposited to the credit of the Treasurer of the United States in the Bank of America, New York, July 10, 1840	15,690 00			
Feb. 1, 1841	This sum deposited to the credit of the Treasurer of the United States with the receiver general at New York, January 5, 1841	16,140 00			
June 30, 1841	This sum deposited to the credit of the Treasurer of the United States in the office of the Treasurer of the United States June 26, 1841	5,000 00			
Aug. 7, 1841	This sum deposited to the credit of the Treasurer of the United States with the receiver general at New York, July 2, 1841	10,000 00			

Date	Description			
Sept. 18, 1841	This sum deposited to the credit of the Treasurer of the United States in the Merchants' Bank, New York, September 17, 1841	1,140 00		
Dec. 13, 1842	This sum, being on account of the distributive share of said State, of the proceeds of the sales of public lands, from January 1 to June 30, 1842	4,482 79		
April 20, 1843	This sum, being on account of the net proceeds of the public lands sold from July 1 to August 29, inclusive	529 37		
			93,591 73	
	Leaving a balance of interest due by the State of Arkansas, and unpaid December 31, 1843, of			$75.687 84
	Of the above amount of interest accrued, there has also arisen upon bonds of the State of Michigan, (as per statement marked B,) the sum of		2,720 00	
	On account of which, the following sums have been paid into the Treasury, viz:			
Dec. 29, 1838	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, December 28, 1838	320 00		
July 1, 1839	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, July 1, 1839	240 00		
Feb. 3, 1840	This sum deposited to the credit of the Treasurer of the United States in the Franklin Bank of Baltimore, January 13, 1840	240 00		
July 13, 1840	This sum deposited to the credit of the Treasurer of the United States in the Bank of America, New York, July 10, 1840	240 00		
Feb. 1, 1841	This sum deposited to the credit of the Treasurer of the United States in the Treasury of the United States, February 1, 1841	60 00		
Aug. 7, 1841	This sum deposited to the credit of the Treasurer of the United States in the office of the receiver general at New York, July 6, 1841	420 00		
Nov. 26, 1842	This sum, applied from the distributive share of said State of the proceeds of the sales of public lands, from January 1 to June 30, 1842, and being amount of interest due June 30, 1842	480 00		
April 20, 1843	This sum applied from the distributive share of said State, of the net proceeds of the sales of public lands, from July 1 to			

C—Continued.

Date of covering warrant.				Interest due and unpaid.
	August 29, 1842, inclusive, and being amount of interest due December 31, 1842	$240 00	$2,240 00	
	Leaving a balance of interest due by the State of Michigan, and unpaid, December 31, 1843, of			$480 00
	Also, of the amount of interest accrued as above, there has arisen upon bonds of the State of Illinois, (as per statement marked B,) the sum of		11,820 00	
	On account of which sum, the following payments have been received into the Treasury, viz:			
July 13, 1840	This sum deposited to the credit of the Treasurer of the United States in the Bank of America, New York, July 10, 1840	780 00		
Feb. 1, 1841	This sum deposited to the credit of the Treasurer of the United States—$780 with the receiver general at New York, January 7, 1841; $180 into the Treasury of the United States, January 11, 1841	960 00		
Aug. 7, 1841	This sum deposited to the credit of the Treasurer of the United States with the receiver general at New York, July 6, 1841	1,680 00		
Dec. 13, 1842	This sum, being on account of the distributive share of said State, of the proceeds of sales of the public lands, from January 1 to June 30, 1842, being amount of interest due June 30, 1842	3,360 00		
April 20, 1843	This sum, being on account of the net proceeds of sales of the public lands, from July 1 to August 29, 1842, due the said State, and being the amount of interest due December 31, 1842	1,680 00	8,460 00	

Date	Description			
	Thus leaving a balance of interest due by the State of Illinois, and unpaid December 31, 1843, of			3,360 00
	Of the above amount of interest accrued, there has also arisen, upon certificates of Ohio canal stock, (as per statement marked B,) the sum of		2,700 00	
	On account of which sum, the following payments have been received into the Treasury, viz:			
Mar. 31, 1842	This sum deposited to the credit of the Treasurer of the United States in the Bank of Commerce, New York, January 3, 1842	540 00		
July 9, 1842	This sum deposited to the credit of the Treasurer of the United States in the Bank of Commerce, New York, July 7, 1842	540 00		
Jan. 6, 1843	This sum deposited to the credit of the Treasurer of the United States in the Bank of America, New York, January 4, 1843	540 00		
July 6, 1843	This sum deposited to the credit of the Treasurer of the United States in the Bank of Commerce, New York, July 1, 1843	540 00		
Jan. 4, 1844	This sum deposited to the credit of the Treasurer of the United States in the Bank of Commerce, New York, January 2, 1844	540 00		
			2,700 00	
	There has also arisen, of the above amount of interest accrued, upon 5½ per cent stock of the United States, the sum of		162 86	
	On account of which, the following payments have also been received into the Treasury, viz:			
Mar. 31, 1842	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, January 25, 1842	17 76		
Aug. 25, 1842	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, August 16, 1842	38 04		
Jan. 3, 1843	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, January 3, 1843	35 52		
July 20, 1843	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, July 11, 1843	35 52		
Jan. 4, 1844	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, January 4, 1844	35 52		
			162 86	

C—Continued.

Date of covering warrant.				Interest due and unpaid.	
	There has arisen of the above amount, also, upon 6 per cent. stock of the United States, (per statement marked B,) the sum of		$708 47		
	On account of which, the following payments have been received into the Treasury, viz:				
Jan. 3, 1843	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, January 3, 1843	$77 53			
July 20, 1843	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, July 11, 1843	327 59			
Jan. 4, 1844	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, January 4, 1844	303 35			
			708 47		
	Amount of interest due, and remaining unpaid Dec. 31, 1843			$79,527 84	
	RECAPITULATION OF INTEREST PAID.				
	Amount of interest received upon bonds of the State of Arkansas		93,591 73		
	Amount of interest received upon bonds of the State of Michigan		2,240 00		
	Amount of interest received upon bonds of the State of Illinois		8,460 00		
	Amount of interest received upon 6 per cent. Ohio Canal stock		2,700 00		
	Amount of interest received upon 6 per cent. stock of the United States		708 47		
	Amount of interest received upon 5½ per cent. stock of the United States		162 36		
				107,862 56	
					$187,390 40

D 1.

TREASURY DEPARTMENT, *July* 14, 1838.

SIR: The public service at the west will probably require, in the course of a few weeks, considerable sums of money for disbursements on account of the army and Indian department. Should your bank find it convenient to meet drafts for any part of the balance due from you to the United States, payable at its counter, I will cheerfully direct the Treasurer to place such drafts upon you for such amounts, as you shall advise me immediately will be paid by your bank. They will probably be required in specie. The sums paid will be carried to the credit of your bank, and stop interest from the date of payment. Should your bank have at command State stocks, which it wishes to dispose of in discharge of its proportion of the two last installments of the bonds of the State Bank of Indiana to the United States, and will describe their character, and the lowest price at which they will be sold upon payment in the mode mentioned, this department, having funds to invest in State stocks, will be glad to receive a proposition on the subject at your earliest convenience.

These suggestions are made under the belief that some benefit may result to all parties by such arrangement.

I am, &c., L. WOODBURY, *Secretary of the Treasury.*

PRESIDENT OF THE BRANCH OF THE STATE BANK OF INDIANA, *Madison.*

A similar letter was addressed to President of the Bank of Michigan; President of the Planters' Bank of Mississippi; President of the Branch of the Bank of the State of Alabama, at Mobile; President of the Agricultural Bank of Mississippi; President of the Farmers' and Mechanics' Bank of Michigan; President of the Branch of State Bank of Indiana, at Lawrenceburg; President of the Branch of State Bank of Indiana, at New Albany.

D 2.

Extract of a letter from the President of the Branch Bank, Madison, Indiana, dated Washington, August 3, 1838, *in reply to the letter from the department, dated July* 14, 1838.

The Branch of the State Bank of Indiana, at Madison, will furnish your department with Indiana 5 per cent. internal improvement bonds, principal and interest payable in New York, to the full amount of the debt that branch owes your department, at par.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 3.

AGRICULTURAL BANK, NATCHEZ, *July* 26, 1838.

SIR: Your favor of the 14th instant, addressed to the president of this bank, has been received. After thanking you for the suggestions it contains, I am to inform you that our agent in the north, Alvarez Fish, Esq., formerly our president, is instructed to open a negotiation for the purchase of $600,000 of the bonds of this State, now being offered in the northern market, provided he can dispose of them to the Government in liquidation of the balance due the Treasury, and to correspond with you upon the subject. Our directory feel somewhat sanguine of the success of these negotiations, which will supersede the necessity of our making arrangements to meet the drafts of the Treasurer here, and will be a more convenient mode of payment for us.

Very respectfully, your obedient servant,

A. P. MERRILL, *Cashier.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 4.

* *Notice.*

The money bequeathed by the late James Smithson, Esq., of London, for founding an institute in the city of Washington, amounting to about half a million of dollars, will, it is expected, be received during the present month. By an act passed July 7, 1838, the undersigned is directed to invest the same "in stocks of States, bearing interest at the rate of not less than five per cent. per annum." He is now prepared to receive proposals from persons who have stocks of this description to dispose of.

LEVI WOODBURY, *Secretary of the Treasury.*

TREASURY DEPARTMENT, *August* 6, 1838.

D 5.

NEW YORK, *August* 8, 1838.

DEAR SIR: We discover, by an official notice from the Treasury Department of the 6th instant, that you are directed by an act of Congress, passed July 7, 1838, to invest the money bequeathed by the late James Smithson, of London, for founding an institute in the city of Washington, in the stocks of States bearing interest at the rate of not less than five per cent. per annum; and that you are now prepared to receive proposals from persons having stocks of this description to dispose of.

We take the liberty to inform you that, by virtue of the act of the Legislature of the State of Mississippi incorporating the "Mississippi Union Bank," we are charged with the disposal of five millions of the bonds of the State, bearing interest at the rate of five per cent. per annum, and payable in twelve and twenty years, and at such place or places as we may designate. And we have now the honor to submit for your consideration a proposition for the sale of an amount of five hundred thousand dollars of those bonds—payable at any place in the United States or in England you may designate, and extinguishable in twelve or twenty years.

We shall await in this city your answer to this communication.

With considerations of high respect, your most obedient servants,

EDWARD C. WILKINSON.
J. WILKINS.

HON. LEVI WOODBURY.

D 6.

NEW YORK, *August* 8, 1838.

SIR: Noticing the advertisement of the 6th instant for offers of State stocks for the investment of money bequeathed by the late James Smithson, we beg leave to offer sixty thousand dollars Indiana five per cent. State stock, with the privilege, on receipt of the Secretary's reply, of making the amount one hundred thousand dollars, at par. The stock to be delivered, at our option, on or before the 1st November next.

Respectfully your obedient servants,

OGDEN, FERGUSON & CO.

HON. LEVI WOODBURY, *Secretary of the Treasury, Washington.*

D 7.

PHILADELPHIA, *August* 8, 1838.

SIR: I have observed your notice inviting proposals for the sale of State stocks.

I have in my possession $76,250 of the bonds of the State of Tennessee 5½ per cents., redeemable in 1862 and 1863. The interest payable semi-

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* Published in the Globe newspaper.

annually, at any point in the United States you may desire, and guaranteed by the Planters' Bank of Tennessee.

They are the same which I had the honor, by letter, some time since, from Nashville, to propose to sell you; and again, recently, in person at Washington.

I am desirous of obtaining par for them, if possible, as they cost that; but having determined to resume specie payments shortly, and being very desirous of liquidating the debt due to the Government, renders it necessary to dispose of them, even if we have to submit to a loss. I therefore propose to sell you the above bonds at 99½.

I shall esteem it a great favor if you will inform me (directed to this city) when your decision will be made known. My object in making the request is, that I am desirous of returning to Tennessee as soon as possible, and this is the only business that detains me. If you could, consistently, take these bonds from me immediately, at a price that would be satisfactory to you, it would do me a great favor, and I would bring them to you immediately.

I have the honor to be, very respectfully, your obedient servant,

M. WATSON, *President of the Planters' Bank of Tennessee.*

Hon. LEVI WOODBURY.

D 8.

NEW YORK, *August* 8, 1838.

SIR: We will sell any part of $200,000 Michigan six per cent. stock, interest and principal payable here, at par. The interest since the 1st of July to be included. This stock has about twenty years to run, and is in bonds of $1,000 each.

Your obedient servants, JOHN WARD & CO.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 9.

PETERSBURG R. R. CO. OFFICE, *August* 8, 1838.

SIR: I have observed in the "Globe" of the 6th instant, your notice of that date, relating to an investment "of the money bequeathed by the late James Smithson, Esq., of London, in State stocks, bearing interest at the rate of not less than five per cent. per annum."

I beg leave to state that the Petersburg Railroad Company, which I represent, holds one hundred and fifty thousand dollars ($150,000) of stock of the State of Virginia, which bears an interest of five per cent. per annum, payable semi-annually, in specie or its equivalent, and issued under the authority of the act of the General Assembly of Virginia, (herein enclosed,) which they are willing to sell, and for which they will take par.

As we are anxious to dispose of this stock soon, either in this country or in Europe, your early decision will oblige us.

With great respect, sir, your friend and servant,

CHARLES F. OSBORNE.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 10.

BANK OF VIRGINIA, *August* 8, 1838.

SIR: Observing your "notice" in the Globe, inviting proposals from persons who have State stocks to dispose of, I now offer you one hundred and fifty thousand dollars of the stock of the Commonwealth of Virginia, bearing six per cent. interest, payable at the treasury of Virginia semi-annually, (1st July and January,) in specie or its equivalent. The stock has twenty years to run from the 23d February last. I will take $105 for

every hundred dollars of stock; the interest accruing from the 1st of July to the date of transfer to be allowed by the purchaser.

I have the honor to be, sir, yours, very respectfully,

JOHN BROCKENBROUGH.

Hon. LEVI WOODBURY.

D 11.

NEW YORK, *August* 8, 1838.

DEAR SIR: We noticed your request for the proposal of sale of State stocks, bearing 5 per cent. interest. We renew our offer to sell $105,000 of Louisiana State bonds, interest payable semi-annually, 1st January and July, at the Mechanics' Bank, New York. These bonds are in London. We will sell them at $98 for $100, you to allow the interest that may accrue on the day of delivery. They will be received here in 60 days.

We wish to be favored with an answer, that we may write to London by the steamer Great Western. You have been furnished by us with the law, &c., &c.

Very respectfully, S. & M. ALLEN.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 12.

SECOND AUDITOR'S OFFICE, RICHMOND, *August* 9, 1838.

SIR: The attention of the board of public works of Virginia having been attracted to your notice respecting the investment of the money received for the Smithsonian legacy, inserted in to-day's papers of this city, I have been instructed to make the following proposals in their behalf:

1. They will give five per cent. stock of the Commonwealth of Virginia, at par, for the whole amount of the legacy, provided it does not much exceed half a million of dollars; or,

2. They will give for part of said legacy, two hundred and fifty thousand dollars ($250,000) of six per cent. stock, at the rate of one hundred dollars in stock for one hundred and five dollars in money.

The interest on the stock will be paid semi-annually at the treasury of the Commonwealth. It is irredeemable for twenty years, and redeemable afterwards at the pleasure of the General Assembly; and the pledges and securities for the payment of the interest, and the ultimate redemption of the principal, are of the most ample character.

Should you desire more specific information, it will be promptly furnished.

I have the honor to be, sir, your obedient servant,

J. BROWN, JR., *Second Auditor.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 13.

PORTSMOUTH, VA., *August* 9, 1838.

SIR: I have at my disposal seventy-three thousand dollars of five per cent. Virginia State stock, irredeemable for twenty years from the 18th June, 1838, and afterwards to be redeemed at the pleasure of the General Assembly of Virginia. The interest payable at the treasury of the State, on the 1st January and July in each year. I offer it (or any portion of it) to you at par. An early answer is desired.

Respectfully, &c., WM. H. WILSON.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 14.

FARMERS' BANK OF VIRGINIA, RICHMOND, *August* 9, 1838.

SIR: I observe by your public notice that you are prepared to receive

proposals, under the act of the 7th July, authorizing the investment of the money bequeathed by James Smithson, Esq., "in stocks of the States bearing an interest at the rate of not less than five per cent. per annum."

I have the honor to propose to your acceptance, under the act, one hundred and fifty thousand dollars of the stock of the Commonwealth of Virginia, bearing an interest of five per cent., payable semi-annually, and the principal redeemable at the end of twenty years from the 18th June last. This I offer at par.

Should the number of proposals, or other reasons, lead you to decline taking the whole of the stock, then such portion of it as you may be willing to take is offered to your acceptance.

Begging to be apprized of your decision, I have the honor to be your obedient servant, &c., WM. H. MACFARLAND, *President.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 15.

NEW YORK, *August* 9, 1838.

DEAR SIR: We observe that you advertise for proposals for State stocks to invest the Smithsonian fund in. We are unable to determine whether the matter will be open for negotiation, or whether you will accept the best offer made under seal. We hold one hundred and seventy thousand dollars five per cent. stock of a northern State, which we would like to propose or negotiate for; or, if within the limits of the law directing the disposal of the fund, we would pay interest for the money, and give the stock as collateral.

If your time will permit, we shall feel obliged by an explanation on these points; and will become applicants for one hundred and seventy thousand dollars of the fund, in the way we think will be most satisfactory to the Government.

Respectfully, your obedient servants, PARKER & CO.

Hon. LEVI WOODBURY, *Washington, D. C.*

D 16.

ALBANY, *August* 9, 1838.

SIR: I will let you have $33,000 New York State five per cent. stock, redeemable in 1855, at two per cent. premium, and interest from the last dividend—say 1st July. The last five per cent. stock issued by this State was sold at public auction, in the city of New York, about forty days since, and the highest price bid was one per cent. and $\frac{80}{100}$. Since which, I have sold in New York fifty thousand dollars of the same stock offered to you at two per cent. advance, being precisely what I offer it to you for.

Allow me to request an early answer, as I am unwilling, by locking up the stock, to forego the chance of doing as well, or better, should an opportunity present.

I have the honor to be, your obedient servant,

THOS. W. OLCOTT.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 17.

AUGUST 9, 1838.

SIR: In the Washington Globe, of date 6th instant, I notice an official invitation to the holders of State stock to make an offer of sale, for the investment of the funds obtained under the Smithsonian bequest. I have one hundred thousand dollars of Indiana internal improvement State stock, payable twenty-five years from 1st July, 1838, bearing an interest of five per cent., payable semi-annually in the city of New York; which I offer to the Department at 98 cents on the 100 cents of the principal. Your

every hundred dollars of stock; the interest accruing from the 1st of July to the date of transfer to be allowed by the purchaser.

I have the honor to be, sir, yours, very respectfully,

JOHN BROCKENBROUGH.

Hon. LEVI WOODBURY.

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NEW YORK, *August* 8, 1838.

DEAR SIR: We noticed your request for the proposal of sale of State stocks, bearing 5 per cent. interest. We renew our offer to sell $105,000 of Louisiana State bonds, interest payable semi-annually, 1st January and July, at the Mechanics' Bank, New York. These bonds are in London. We will sell them at $98 for $100, you to allow the interest that may accrue on the day of delivery. They will be received here in 60 days.

We wish to be favored with an answer, that we may write to London by the steamer Great Western. You have been furnished by us with the law, &c., &c.

Very respectfully, S. & M. ALLEN.

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1. They will give five per cent. stock of the Commonwealth of Virginia, at par, for the whole amount of the legacy, provided it does not much exceed half a million of dollars; or,

2. They will give for part of said legacy, two hundred and fifty thousand dollars ($250,000) of six per cent. stock, at the rate of one hundred dollars in stock for one hundred and five dollars in money.

The interest on the stock will be paid semi-annually at the treasury of the Commonwealth. It is irredeemable for twenty years, and redeemable afterwards at the pleasure of the General Assembly; and the pledges and securities for the payment of the interest, and the ultimate redemption of the principal, are of the most ample character.

Should you desire more specific information, it will be promptly furnished.

I have the honor to be, sir, your obedient servant,

J. BROWN, Jr., *Second Auditor.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

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Respectfully, &c., WM. H. WILSON.

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I have the honor to propose to your acceptance, under the act, one hundred and fifty thousand dollars of the stock of the Commonwealth of Virginia, bearing an interest of five per cent., payable semi-annually, and the principal redeemable at the end of twenty years from the 18th June last. This I offer at par.

Should the number of proposals, or other reasons, lead you to decline taking the whole of the stock, then such portion of it as you may be willing to take is offered to your acceptance.

Begging to be apprized of your decision, I have the honor to be your obedient servant, &c., WM. H. MACFARLAND, *President.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

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NEW YORK, *August* 9, 1838.

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If your time will permit, we shall feel obliged by an explanation on these points; and will become applicants for one hundred and seventy thousand dollars of the fund, in the way we think will be most satisfactory to the Government.

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Allow me to request an early answer, as I am unwilling, by locking up the stock, to forego the chance of doing as well, or better, should an opportunity present.

I have the honor to be, your obedient servant,

THOS. W. OLCOTT.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 17.

AUGUST 9, 1838.

SIR: In the Washington Globe, of date 6th instant, I notice an official invitation to the holders of State stock to make an offer of sale, for the investment of the funds obtained under the Smithsonian bequest. I have one hundred thousand dollars of Indiana internal improvement State stock, payable twenty-five years from 1st July, 1838, bearing an interest of five per cent., payable semi-annually in the city of New York; which I offer to the Department at 98 cents on the 100 cents of the principal. Your

reply, should the offer be accepted, addressed to No. 15 Wall street, N. Y., will be promptly attended to.

Should references be required, I am personally known to the President.

Your obedient servant, SIMEON B. JEWITT.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 18.

LOUISVILLE, *August* 13, 1838.

SIR: I have this moment seen, over your official signature, a notice to the public, stating that you are ready to receive propositions relative to the investment, in State stocks, of the fund (say half a million) bequeathed by James Smithson, Esq., for the purpose of founding an institute in the city of Washington; which fund you are authorized to dispose of in this way, by act of July 7, 1838.

Application is hereby made, in behalf of the Mississippi Union Bank, for a loan or purchase of the whole amount of this fund when in your hands for disposal. The bank offers, as security or equivalent, the bonds of the State of Mississippi, bearing interest at the rate of 5 per cent. per annum; interest and principal made payable at such places as may suit the convenience of the purchaser; which bonds she holds to the amount of $15,000,-000, with ample power to negotiate and sell the same, as prescribed in the first section of the original act incorporating said institution, by the directors of the bank themselves, or, as expressed in the 9th section of the supplemental act thereto appended, by the agency of commissioners appointed for that purpose.

For the nature of the security, the general terms of the negotiation, the form and condition of the bonds, &c., &c., you are respectfully referred to the 4th, 5th, 6th, 7th, 8th, and 9th sections of the original act above referred to, a copy of which, with the supplement, is herewith transmitted for your inspection.

This letter is not official from the bank, as the board of directors have not been in session since the publication of your notice, and consequently could have no action upon the subject. It will be recognized, however, as such, by the board, at their first regular meeting, (the 10th of September next,) when a copy of it will be laid before them.

For any information which may be required, should there be a prospect of effecting this negotiation, please address president and directors, or Hon. H. G. Runnels, president of the Mississippi Union Bank, at Jackson, Mississippi; and, if necessary, an agent will be immediately appointed by the bank, who will see you, in person, on the subject of the negotiation, at Washington. The acknowledgment of the receipt of this communication, directed as above, so as to meet the board of directors of the bank by the 10th of September next, will confer a favor on them, and oblige,

Very respectfully and truly, your obedient servant,

JOHN J. MCRAE,

Member of Board of Directors of Mississippi Union Bank.

To Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 19.

EASTERN BANK, BANGOR, MAINE, *August* 13, 1838.

DEAR SIR: I have noticed a paragraph in the public papers of the day, upon the subject of the Smithsonian bequest, where, after alluding to the act of Congress directing the Secretary of the Treasury to invest the same "in stocks of STATES, bearing interest at the rate of not less than 5 per cent. per annum," it is stated that you are now prepared to receive proposals from persons who have stocks of this description to dispose of.

I am directed to say to you that this bank has a *Maine State scrip*, issued agreeably to law, dated March 23, 1838, for the sum of $4,500, payable in

five years from date, with interest annually, at the rate of 5 per centum; which we offer for your consideration.

Very respectfully, your obedient servant,

W. H. MILLS, *Cashier*,

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 20.

EASTERN RAILROAD OFFICE, BOSTON, *August* 14, 1838.

SIR: I notice your advertisement of the 6th instant for proposals for the purchase of State stocks, and beg leave to offer you $100,000 of Massachusetts State scrip, payable twenty years from 1st September next, bearing interest at the rate of 5 per cent., payable semi-annually.

We are just advised of a large sale of the scrip of this State in London, at a premium of 4 per cent.; at which rate I am authorized to sell the $100,000 now offered to you.

The last issue of scrip which I received for same amount of the Commonwealth, I sold all at 5 per cent. If the rate named should be at a greater premium than you can purchase at, I shall be happy to receive an offer, which I will communicate to the directors of this company.

I am, sir, very respectfully, yours,

B. T. REED, *Treasurer.*

SECRETARY OF THE TREASURY.

D 21.

BANK OF KENTUCKY, LOUISVILLE, *August* 14, 1838.

SIR: I take the earliest opportunity of acknowledging the receipt of yours of the 4th instant.

Having already made such arrangements as will reduce the debt to you from this institution to $300,000, I am willing to give that amount of the bonds held by you at par. Should this arrangement satisfy you, please advise me as early as possible.

Your obedient servant, W. H. POPE, *President.*

Hon. L. WOODBURY, *Secretary of the Treasury.*

D 22.

STATE BANK OF INDIANA, *August* 14, 1838.

SIR: For the purpose of a prompt adjustment of the balance due to the United States on account of public deposits, I take an early occasion to comply with the authority given me by the directors of this institution; and therefore, propose that such balance due from this institution, on account of public deposits to the United States not otherwise arranged for, shall be forthwith paid by this institution in the bonds of the State of Indiana, bearing 5 per centum interest, and payable, both principal and interest, at a bank in the city of New York—the principal at the expiration of 30 years, and the interest semi-annually. This proposal is intended to include, also, the future installments of our deposit debt.

An early answer is requested, and it is trusted that this mode of your realizing these means, and of adjusting an unsettled account, may be approved.

I am, respectfully, your obedient servant,

S. MERRILL.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 23.

WASHINGTON, *August* 14, 1838.

SIR: For one hundred and fifty thousand dollars of the Smithsonian

legacy, advertised for investment in State stock, I offer one hundred and fifty bonds of Virginia State scrip, of $1,000 each, bearing an interest of 5 per centum, payable semi-annually, and redeemable in twenty years. By an act of the Virginia Legislature, passed last April, the board of public works are authorized to pay the interest on this loan, in specie or its equivalent. A decision is expected at an early day, and any information previously desired will be furnished promptly by,

Very respectfully, your obedient servant,

JOHN BRUCE,

President Winchester and Potomac Railroad Co., Winchester, Va.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 24.

NEW YORK, *August* 14, 1838.

SIR: In accordance with the proposal made by you for State stocks, we offer you two hundred and fifty thousand dollars of bonds of the State of Illinois, payable in 1860, bearing interest at the rate of 6 per cent. per annum, payable semi-annually, in July and January, at the bank of the United States in Philadelphia, or at their agency in New York, at the option of the holder—at one hundred and four dollars for every hundred dollars of stock; the interest which shall have accrued from the 1st of July last to be paid to us.

We are, very respectfully, yours, NEVINS, TOWNSEND & Co.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 25.

NEW YORK, *August* 15, 1838.

DEAR SIR: We have yours of the 13th before us. The stocks we hold are the bonds of the State of Maine, payable in 1848, bearing an interest of 5 per cent per annum, payable in Boston, annually. They are worth par here, for the purpose of investing in banking, under the general law; but if we could have an answer at once, we will sell $170,000 at 98½ per cent. This is three per cent. below the market price of the bonds of the States of New York and Pennsylvania, which are only preferable to Maine as a remittance to Europe.

The financial condition of Maine is equal to any State in the Union; her whole indebtedness is but $554,000, and the banks are all obliged to loan the State 10 per cent. of their capital, at 5 per cent. per annum. We cannot hold ourselves bound for any given time to sell the bonds at this rate, but will accept it, if not otherwise disposed of, on receipt of answer. We know it to be a better investment than can be made in the bonds of any State, especially such as are indebted to such an extent as to make the prompt payment of interest and principal a matter of some doubt.

Respectfully, your obedient servants,

PARKER & Co.

MCCLINTOCK YOUNG, Esq.,

Acting Secretary of the Treasury, Washington.

D 26.

PETERSBURG RAILROAD OFFICE, *August* 18, 1838.

SIR: On the 8th instant I had the honor to address you, offering you $150,000 of Virginia 6 per cent. stock, at par. Since then, I learn that my friend, Wm. H. Macfarland, president of the Farmers' Bank of Virginia, had submitted a similar proposal to you. His proposal and mine are for the

same stock. Therefore, you will serve both of us by accepting either his or my proposition.

Begging your favorable consideration,

I remain, sir, with great respect, your humble servant,

CHARLES F. OSBORNE.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 27.

NEW YORK, *August* 18, 1838.

DEAR SIR: We have the honor to acknowledge the receipt of yours of the 13th instant; and, in reply, have to inform you, that, owing to its delay in reaching us, a negotiation for the whole amount of the Mississippi bonds had been previously set on foot.

We are, therefore, under the necessity of asking permission to withdraw our proposition.

Very respectfully, your obedient servants,

E. C. WILKINSON,
J. C. WILKINS,
By E. C. WILKINSON.

Mr. McCLINTOCK YOUNG, *Acting Secretary of the Treasury.*

D 28.

NEW YORK, *August* 20, 1838.

SIR: The fund commissioners of Indiana will furnish Indiana 5 per cent. bonds having 24 to 25 years to run, from 1st July last, interest payable semi-annually, in New York, at par, to the amount of from one to five hundred thousand dollars; and will receive therefor, either cash or the bonds of the State Bank of Indiana.

I would inquire when I may learn whether our proposition is accepted.

For the fund commissioners of Indiana,

ISAAC COE, *Fund Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 29.

THE BANK OF THE STATE OF MISSOURI, ST. LOUIS, *August* 23, 1838.

DEAR SIR: I have lately seen your advertisement for proposals for the investment of the Smithsonian legacy in State bonds, &c.

I should be pleased to sell $114,000 of Missouri State bonds at 5½ per cent. interest, payable semi-annually in the city of New York, and the principal redeemable twenty-five years after negotiation.

These bonds have been sent to London for sale, but can be withdrawn at any time, if not sold. I would, therefore, propose to sell them to you at 2 per cent. premium, subject to the sale in London. If not sold upon the arrival of the order in London for returning them to the United States, the sale will take effect, and the bonds be returned without delay, and delivered to you.

I have the honor to remain your obedient servant,

JOHN SMITH, *President.*

Hon. LEVI WOODBURY, *Secretary of the Treasury, Washington City.*

D 30.

TREASURY DEPARTMENT, *August* 23, 1838,

SIR: Referring to your offer to sell to the department $500,000 of 6 per cent. Arkansas State bonds at 99$\frac{85}{100}$ per cent., I have to request that you

will submit for my examination the law of the State authorizing the issue of the bonds, and the form of the bonds. If both be satisfactory, I am willing, on the arrival of the money, to take the net amount (which will not be far from half a million of dollars) at the rate offered by you, as it is the lowest bid.

It is expected that the money may be by this time in New York.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

W. W. CORCORAN, Esq.

[Enclosure.]

This writing is given to show that the interest due on the bonds of the State of Arkansas, at this date, bought by me of Wm. Corcoran, Esq., belongs to said Corcoran when the same is paid to me.

LEVI WOODBURY, *Secretary of the Treasury.*

TREASURY DEPARTMENT, *September* 4, 1838.

D 31.

BALTIMORE, *August* 29, 1838.

SIR: Under your notice of the 6th inst., we now propose to furnish you with the amount of stock required for vesting the Smithsonian bequest—say "about half a million of dollars"—in Indiana State stock, at 1 per cent. under the par value, or at the rate of ninety-nine for every one hundred dollars.

This stock bears an interest of 5 per cent. per annum, and is payable semi-annually at the Merchants' Bank in the city of New York.

If this offer be accepted, the certificates of stock, or bonds, which are now in Europe, will be delivered at the earliest period—say in about fifty days, or sooner if practicable; payment to be made us upon the delivery of the bonds.

We have the honor to remain, with the highest respect, your obedient servants.

J. I. COHEN & BROTHERS.

Hon. LEVI WOODBURY, *Secretary of the Treasury of the U. S.*

D 32.

THE BANK OF THE STATE OF MISSOURI, ST. LOUIS, *August* 31, 1838.

DEAR SIR: I have the honor to refer you to my letter of the 23d inst., and beg leave now to modify the proposition therein for the sale to you of $114,000 Missouri State 5½ per cent. bonds.

Instead of 2 per cent. premium, I would agree to sell them at par, payable in the city of New York, subject to the restrictions and conditions contained in my letter above referred to.

I have the honor to remain, your obedient servant,

JOHN SMITH, *President.*

Hon. LEVI WOODBURY, *Secretary of the Treasury, Washington City.*

D 33.

SMYRNA, *September* 10, 1838.

DEAR SIR: I saw in the Globe your advertising for stocks bearing interest not less than 5 per cent. I have a certificate of stock on the borough of Wilmington, Delaware, for one thousand dollars, bearing interest at the rate of 5 per cent., which I will sell you at par. There cannot be any safer investment. Please let me hear from you.

Respectfully,

JNO. S. LAMBDEN.

Hon. LEVI WOODBURY.

D 34.

TREASURY DEPARTMENT, *December* 30, 1839.

SIR: In a few days I expect to have twenty thousand dollars to invest in State stocks on account of the Smithsonian bequest. If you have such, that you wish to dispose of, be pleased to inform me of the terms, &c.

I am, &c., L. WOODBURY, *Secretary of the Treasury.*

Hon. J. K. PAULDING, *Secretary of the Navy.*

D 35.

TREASURY DEPARTMENT, *December* 27, 1839.

SIR: Early next month I shall have twenty thousand dollars to invest in State stocks, on account of the Smithsonian bequest. Be pleased to inform me, if you have such for sale, the time they have to run, the interest they bear, &c., and the lowest terms you can furnish them.

I am, &c., L. WOODBURY, *Secretary of the Treasury.*

CHARLES J. NOURSE, Esq., *Washington City, D. C.*

[Copies were sent to Hon. F. Thomas, president of the Chesapeake and Ohio Canal Company; to W. W. Corcoran, Washington, D. C.; to J. D. Beers, Esq., New York city; and to Joseph White, Esq., Baltimore, Maryland.]

D 36.

NAVY DEPARTMENT, *December* 31, 1839.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th instant.

In reply, I have to state that I cannot ascertain whether I shall have any State stocks to dispose of until to-morrow, when I will communicate with you upon the subject.

I am, respectfully, your obedient servant, J. K. PAULDING.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 37.

WASHINGTON CITY, *January* 15, 1840.

DEAR SIR: In reply to your favor of the 27th ultimo, I have to offer you six per cent. stocks of the following States, viz: Michigan, Arkansas, and Illinois, at 84½ per cent.; also, five per cent. stock of the State of Indiana, at 75 per cent.—the interest on all the above payable in New York semi-annually; or I will sell six per cents at one quarter per cent. less than any offer you may have.

Respectfully, your obedient servant, W. W. CORCORAN.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 38.

WASHINGTON, *January* 6, 1840.

SIR: I have the honor to acknowledge the receipt of your communication on the subject of a tender of State stocks to the department; and to offer to you the amount you mention as ready for investment in Ohio sixes, redeemable in 1854, at 88¾—interest payable in New York; Illinois Canal sixes, redeemable in 1870, at 75 and 72½.

Very respectfully, your obedient servant, CHARLES J. NOURSE.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

JANUARY 18, 1840.

DEAR SIR: Since I left you, a gentleman has handed me a letter, which

requires that the offer of Illinois sixes should be fixed at 75—the rate first proposed.

I will call at 12 o'clock.

Yours, &c., CHARLES J. NOURSE.

McC. YOUNG, Esq.

D 39.

NEW YORK, *January* 2, 1840.

SIR: I thank you for your letter of the 27th ult. I have State stocks which I will offer you for the investment you wish to make; and I write to Mr. Corcoran to hand in the offer.

I am, respectfully, your obedient servant,

J. D. BEERS.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 40.

TREASURY DEPARTMENT, *July* 24, 1840.

GENTLEMEN: Congress having adjourned without enacting any further provision respecting the Smithsonian fund, and there being in the treasury about $15,000 belonging to that fund, which it is the duty of this Department to invest in State stocks,—should you have any to dispose of, I will thank you to inform me of the description and lowest price.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Messrs. CORCORAN & RIGGS.—*Present.*

[Letters of the same tenor and date as above were addressed to the following persons, viz: Messrs. Prime, Ward & King, of New York; J. D. Beers, Esq., of New York; and C. Macalester, of Philadelphia.]

D 41.

WASHINGTON CITY, *July* 28, 1840.

SIR: We have the pleasure to offer you Illinois State 6 per cent. bonds, interest payable half-yearly, in specie, in New York, at 79½ per cent.

Arkansas bonds we can sell lower.

Very respectfully, your obedient servants, CORCORAN & RIGGS.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 42.

NEW YORK, *July* 27, 1840.

SIR: In answer to your respected letter of the 26th instant, we beg to state that we will sell $15,000 value, in Kentucky bonds due in 1868—each $1,000—bearing interest from date of sale, at 5 per cent., payable half-yearly in this city, and the price to be 88 per cent.; or in New York State 5 per cent. stock, due in 1858—interest at 5 per cent. from 16th ins.—payable quarterly in this city, and the price to be 93 per cent.

But, in order to make this offer binding on our part, we must ask the favor of your reply accepting it on or before the 1st of August next.

We remain, sir, respectfully, your obedient servants,

PRIME, WARD & KING.

Hon LEVI WOODBURY, *Secretary of the Treasury.*

D 43.

WASHINGTON, *August* 10, 1840.

SIR: I have the honor to tender $20,000, Illinois 6 per cent. bonds, at 87 per cent.; interest from the 1st of July last.

Respectfully yours, CHARLES J. NOURSE.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 44.

NORTH AMERICAN TRUST AND BANKING COMPANY,
No. 47 WALL STREET, NEW YORK, *July* 28, 1840.

SIR: In answer to your letter of the 24th instant, I have to state that this institution will sell to the Department a sufficient amount of the six per cent. State stock of Arkansas, at the rate of 70 per cent., to enable you to invest the $15,000 in the Treasury belonging to the Smithsonian fund.

I am, sir, very respectfully, yours, J. D. BEERS, *President.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 45.

PHILADELPHIA, *July* 28, 1840.

SIR: I have the honor to acknowledge the receipt of your letter of the 24th inst.; in answer to which, I have to state that the only State stock I have on hand are Pennsylvania 5 per cents, which I hold at 95, redeemable in 1865; and some Kentucky 6 per cents, redeemable in about six years, bearing interest at 6 per cent.—principal and interest payable in Kentucky, which I would sell at 87 per cent.

I have the honor to be, very respectfully, C. MACALESTER.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 46.

TREASURY DEPARTMENT, *January* 18, 1841.

SIR: Having about $20,000 to invest for the Smithsonian fund, I request you to inform me if you have any State stocks to dispose of; the amount you have for sale, if less than that; the rate of interest they bear, and where payable; the State by which issued, and the price you demand.

Very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

CHARLES MACALESTER, Esq., *Philadelphia.*

Similar letters sent to Messrs. Corcoran & Riggs, Washington; Mr. Charles J. Nourse, Washington; Mr. J. D. Beers, New York; Mr. B. S. Reed, Boston.

D 47.

NEW YORK, *January* 21, 1841.

SIR: I have duly received your favor informing me that you have $20,000 to invest in State bonds. I therefore propose to supply you with Arkansas State bonds, such as heretofore sold you, at 80 per cent. The last sale here of Arkansas bonds by the Comptroller of this State, was on the 2d inst., at 79 and 80. If this is the best offer, I presume you will receive them of me, and I will thank you not to let any know of my offer, unless it is accepted.

I am, respectfully, your obedient servant, J. D. BEERS.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 48.

PHILADELPHIA, *January* 22, 1841.

SIR: I have your letter of the 18th; in answer to which I have the honor to state, that I have for sale the sum you require, of the following stocks:

Pennsylvania State fives, redeemable in 1870; price $89 for each $100, payable at Philadelphia; interest payable 1st of August.

Ohio State sixes, redeemable in 1860; price $97.50 for each $100, payable at New York; interest payable January 1 and July 1.

Kentucky State sixes, redeemable in 1868; price $95 for each $100, payable at New York; interest payable January 1 and July 1.

Kentucky State sixes, redeemable in 1846; price $85 for each $100, payable at Frankfort, Kentucky; interest payable April and October.

I am, very respectfully, your obedient servant,

C. MACALESTER.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

P. S.—The book for the transfer of the Pennsylvania loan being closed, these loans are now sold with the interest due 1st of February off.

D 49.

EASTERN RAILROAD OFFICE, BOSTON, *January* 22, 1841.

SIR: Your favor of the 18th instant is before me. I have sold all the Massachusetts State stock which I recently had, and closed it at 99½.

But a friend has of Massachusetts State stock, payable in 18 years, $20,000, drawing interest at 5½ per annum, payable semi-annually, which I can furnish at 99 per cent.; and of New York State stock, payable in about twenty years, $20,000, drawing interest at 5½ per cent. per annum, payable quarterly, at 98½ per cent.

New York city stock, payable in about 25 years, drawing interest at 5 per cent. per annum, payable quarterly, at 96½ per cent.

I am, sir, respectfully, B. T. REED.

SECRETARY OF THE TREASURY.

D 50.

WASHINGTON CITY, *January* 30, 1841.

DEAR SIR: In reply to your favor of the 18th instant, we have to offer you six per cent. stocks of the States of Illinois or Michigan, interest payable half-yearly in New York, at eighty per cent., or one-half per cent. below any offer you may have.

Respectfully, your obedient servants, CORCORAN & RIGGS.

The Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D 51.

TREASURY DEPARTMENT, *January* 30, 1841.

GENTLEMEN: Your offer of the Illinois bonds for the Smithsonian fund is accepted at 79½. There was an offer of other stock at 80.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Messrs. CORCORAN & RIGGS, *Washington City.*

D 52.

TREASURY DEPARTMENT, *July* 8, 1841.

SIR: There is at this time in the Treasury a balance of $18,271.86, belonging to the Smithsonian fund, which I am required by law to invest in State stocks.

If you have Massachusetts, Ohio, or New York State stocks to dispose of, I will thank you to propose the amount of either you are willing to deliver to this Department for that balance.

I am, very respectfully, your obedient servant,

THOMAS EWING, *Secretary of the Treasury.*

C J. NOURSE, Esq.—*Present.*

[Letters of the same tenor and date as above were addressed to the following persons, viz: Messrs. Corcoran & Riggs, of Washington; Messrs.

J. E. Thayer & Brother, of Boston; and Messrs. Nevins, Townsend & Co., of New York.]

D 53.

WASHINGTON, *July* 14, 1841.

SIR: I will furnish the amount wanted for the Smithsonian fund in Ohio sixes at 94½; New York fives at 86½.

The rate of Massachusetts I will send you in a day or two.

Yours, respectfully, CHAS. J. NOURSE.

Hon. THOS. EWING.

D 54.

WASHINGTON, *July* 18, 1841.

I can furnish Ohio sixes for the Smithsonian investment at 94¼, instead of 94½, as tendered previously.

The Ohio sixes redeemable 1865.

Respectfully, CHAS. J. NOURSE.

Hon. T. EWING.

D 55.

NEW YORK, *July* 10, 1841.

DEAR SIR: We are in receipt of your favor of the 8th instant. We will deliver to your order $19,969.25 New York 5½ per cent. stock, redeemable in 1861—or $19,233.53 Ohio six per cent. stock, redeemable in 1860—for the sum of $18,271.86, if apprized of your acceptance of the offer by Thursday morning.

We are, with great respect, your obedient servants,

NEVINS, TOWNSEND & CO.

Hon. T. EWING, *Secretary of the Treasury.*

D 56.

BOSTON, *July* 13, 1841.

SIR: Your favor of the 8th is received. We can furnish you Massachusetts five per cent. stock at one-half per cent. advance; or New York State stock, five per cent., at 85½ per cent. As the bonds are issued in sums of one thousand dollars, we could not furnish the precise amount which you mention. There is none of the Ohio stock held in our market.

Very respectfully, your obedient servants,

J. E. THAYER & BROTHER.

Hon. THOMAS EWING, *Secretary of the Treasury, Washington.*

D 57.

NEW YORK, *July* 16, 1841.

DEAR SIR: I have felt some doubt as to making you a more favorable offer for the $18,271.86 belonging to the Smithsonian fund, than the offer you already have; but have concluded to offer you $19,250 Ohio State stock—interest from 1st of July instant.

Should you think proper to accept this offer, and forward to me, or to J. N. Perkins, cashier, a draft for the money, the stock certificate will be immediately issued thereon, in such name as you may direct.

Very respectfully, &c.,

ALFRED KELLY, *Commissioner Ohio Canal Fund.*

Hon. THOMAS EWING, *Secretary of the Treasury, Washington City.*

D 58.

WASHINGTON CITY, *July* 17, 1841.

SIR: In reply to your favor of the 8th instant, we have the pleasure to offer Ohio six per cent. stock, to the extent wanted, at 94 per cent.

Respectfully, your obedient servants, CORCORAN & RIGGS.

The Hon. THOMAS EWING,
Secretary of the Treasury, Washington City.

D 59.

TREASURY DEPARTMENT, *July* 13, 1841.

GENTLEMEN: I have received your letter of the 10th, with the offer of New York 5½ per cent. and Ohio 6 per cent. stock, on account of the Smithsonian fund. Having applied to three or four others for tenders of similar stocks, from whom it is hardly time to expect replies, it will not be in my power to determine upon your proposition by the time limited by you. Shall it be regarded as a subsisting proposition until withdrawn; or, after Thursday, shall I decide without regard to your offer? Please inform me by return mail.

I am, &c., T. EWING, *Secretary of the Treasury.*

Messrs. NEVINS, TOWNSEND & CO., *New York.*

D 60.

NEW YORK, *July* 15, 1841.

DEAR SIR: We have your favor of the 13th instant. We will continue our offer until the 22d instant; modifying it as to the New York stock, of which we will furnish the exact sum of twenty thousand dollars for that of $18,271.86.

Very respectfully, your obedient servants,
NEVINS, TOWNSEND & CO.

Hon. T. EWING, *Secretary of the Treasury.*

D 61.

TREASURY DEPARTMENT, *July* 8, 1841.

GENTLEMEN: There is now in the Treasury a balance of $18,271.86 belonging to the Smithsonian fund, which I am required by law to invest in State stocks. I will thank you to inform me what amount of Massachusetts, New York, or Ohio State stock you are willing to deliver to this department for that balance, to be paid at New York.

I am, very respectfully, your obedient servant,
THOMAS EWING, *Secretary of the Treasury.*

Messrs. PRIME, WARD & KING, *New York.*

D 62.

NEW YORK, *July* 10, 1841.

SIR: In answer to your communication of the 8th instant, we beg to state that we have no stocks of the kind which you designate, to offer to you as an investment of the Smithsonian fund.

We remain, sir, respectfully yours,
PRIME, WARD & KING.

Hon. T. EWING, *Washington.*

D 63.

TREASURY DEPARTMENT, *July* 20, 1841.

GENTLEMEN: Your tender of Ohio 6 per cent. stock, payable in New

York, for the Smithsonian fund, at the rate of $100 in stock for $94 in cash, is accepted.

The amount to be invested, as mentioned in my letter of the 8th, may be diminished about $1,000 by the non-payment of some coupons. Of this I shall be able to inform you in the course of the day.

I am, very respectfully, your obedient servant,

THOMAS EWING, *Secretary of the Treasury.*

Messrs. CORCORAN & RIGGS.

HOUSE OF REPRESENTATIVES, *June* 7, 1844.

Mr. ADAMS from the select committee on the subject of the Smithsonian bequest, made a report thereon, accompanied by a bill (No. 418) to provide for the disposal and management of the fund bequeathed by James Smithson to the United States, for the establishment of an institution for the increase and diffusion of knowledge among men: which bill was read a first and second time, and committed to the Committee of the Whole House on the state of the Union.

The following is the report:

The select committee, to whom was referred the letter of the Secretary of the Treasury of 19th February last, relating to the then state and condition of the funds bequeathed by James Smithson to the United States, for the establishment of an institution for the increase and diffusion of knowledge among men, have attended to that duty, and respectfully submit to the consideration of the House a bill, to give immediate effective operation to the purposes of the testator in that bequest; and in explanation of the necessity and object of this bill, take leave to recall to the memory of this House the material circumstances of the acceptance of this bequest, of the reception of the funds bequeathed by the testator, and of the disposition of them hitherto made by Congress, and its present condition.

The existence of the bequest of James Smithson to the United States of America was communicated to Congress by a message from the President of the United States of the 17th December, 1835; and by an act of Congress, approved July 1, 1836, the bequest was accepted, and the President was authorized and enabled to assert and prosecute, with effect, the claim of the United States to the property thereby bequeathed, and then held in trust by the English court of chancery. The third section of this act is in the following words:

SEC. 3. *And be it further enacted,* That any and all sums of money, and other funds, which shall be received for or on account of the said legacy, shall be applied, in such manner as Congress may hereafter direct, to the purpose of founding and endowing at Washington, under the name of the

Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men: to which application of the said moneys, and other funds, *the faith of the United States is hereby pledged.*"

Under an authority conferred by this act, the President of the United States appointed Richard Rush the agent to recover the property held in trust in the English court of chancery—a commission faithfully and successfully executed; and on the 1st of September, 1838, Mr. Rush deposited in the mint of the United States, at Philadelphia, the sum, in gold, of five hundred and eight thousand three hundred and eighteen dollars and forty-six cents; which, together with sundry articles of furniture and books, of small and indefinite pecuniary value, constituted the whole of the bequest of James Smithson to the United States.

Before the time of this deposit at the mint, the sixth section of the act of Congress of July 7, 1838, entitled "An act to provide for the support of the Military Academy of the United States, for the year eighteen hundred and thirty-eight, and for other purposes," had disposed of the fund as follows:

"SEC. 6. *And be it further enacted*, That all the money arising from the bequest of the late James Smithson, of London, for the purpose of founding at Washington, in this District, an institution to be denominated the Smithsonian Institution, which may be paid into the Treasury, is hereby appropriated, and shall be invested by the Secretary of the Treasury, with the approbation of the President of the United States, in stocks of States, bearing interest at the rate of not less than five per centum per annum, which said stocks shall be held by the said Secretary in trust for the uses specified in the last will and testament of said Smithson, until provision is made by law for carrying the purpose of said bequest into effect; and that the annual interest accruing on the stock aforesaid shall be in like manner invested for the benefit of said institution."

Under the authority of this provision, $499,500 of the money received at the mint on the 1st of September, 1838, were, on the 4th of the same month, invested in five hundred bonds of the State of Arkansas, of $1,000 each, bearing interest at the rate of six per cent. per annum, payable half-yearly, on the first days of January and July of each year, until the payment of the principal, on the 26th day of October, 1861.

Under the same authority, subsequent investments were made in bonds, of the same State of Arkansas, as follows:

Dec. 29, 1838.—$10,000, in 10 bonds, payable Jan. 1, 1868	$10,000 00
July 6, 1839.—$13,000, in 13 bonds, payable Jan. 1, 1868	13,000 00
Sept. 21, 1840.—$15,000, in 15 bonds, payable Jan. 1, 1868	15,000 00
Upon these bonds there had been paid, for interest, on the 31st December, 1843	93,591 73
And there was then due for interest on the same	75,687 84

Whence it appears that from and after July, 1841, all

payments of interest on said Arkansas bonds have ceased; and that the amount due is accumulating at the rate of more than $32,000 a year—amounting at this day, to more than $90,000.

On the 23d of November, 1838, $8,000 were invested in bonds of the State of Michigan, payable on the first Monday of July, 1858, bearing interest at 6 per cent., payable half-yearly at the Manhattan Bank, in the city of New York		$8,000
On these bonds, there was due on the 31st of December, 1843, one year's interest		480
There were invested in bonds of the State of Illinois—		
1840, Feb. 3.—13 bonds of $1,000 each, payable after the year 1860		13,000
3 bonds of $1,000 each, payable after the 1st January, 1873		3,000
10 bonds of $1,000 each, reimbursable at the pleasure of the State after the year 1860		10,000
1840, Dec. 3.—6 bonds of the State of Illinois of $1,000 each, payable after the 1st of January, 1870	$6,000	
1841, Feb. 1.—24 bonds, payable after the 1st of January, 1870	24,000	
		$30,000
On these bonds of the State of Illinois, there was due on the 31st of December, 1843, one year's interest		3,360
There were invested in the 6 per cent. canal stocks of the State of Ohio—		
1841, Aug. 7.—13 bonds of $1,000 each, payable after the 31st December, 1860		13,000
1841, Aug. 10.—5 bonds of $1,000 each, payable after the 31st December, 1860		5,000

Upon these bonds, on the 31st December, 1843, no interest was due.

The first section of an act of Congress of 11th September, 1841, repealed so much of the sixth section of the act of 7th July, 1838, as required the Secretary of the Treasury to invest the annual interest accruing on the investment of the money arising from the bequest of James Smithson in the stocks of the States. And the Secretary of the Treasury was thenceforth required, until Congress shall appropriate said accruing interest to the purposes prescribed by the testator, for the increase and diffusion of knowledge among men, to invest said accruing interest in any stock of the United States bearing not less than five per centum per annum.

Since that time, the investments in the stocks of the United States have been as follows:

Date		Rate			Amount
1841, September	27,	5½	per cent.	stocks	$1,291 86
1842, August	27,	6	"	"	1,135 80
1842, December	29,	6	"	"	8,322 79
1843, March	31,	6	"	"	653 05
1844, January	12,	5	"	"	4,231 35
Total					$15,634 85

Which sum is the whole amount of interest received at the Treasury in the space of two years and four months, (from the 11th September, 1841, to the 12th January, 1844,) from a fund which, in that space of time, should have yielded little less than $80,000. This, then, is the present condition of the fund.

There are in the Treasury of the United States 620 bonds of the States of Arkansas, Illinois, Ohio, and Michigan, viz:

Arkansas	538
Illinois	56
Ohio	18
Michigan	8
Total	620

for $1,000 each, bearing on their face interest at 6 per cent. a year, payable half-yearly in the city of New York. The principal of these bonds is payable at different times from 1850 to 1873—none before the first of those periods; and none after, but at the pleasure of the several contracting States.

The annual interest upon these bonds is $37,200 dollars, payable in semi-annual payments in the city of New York; but, with the exception of the bonds of the State of Ohio, the payment of interest on all the rest is suspended; which suspension on the bonds of the State of Arkansas has already continued for the space of nearly three years.

The arrears of this interest due on the 31st of December, 1843, were—

Of the State of Arkansas	75,687 84
Michigan	480 00
Illinois	3,360 00
Forming an aggregate of	79,527 84
Which added to the amount of the bonds	620,000 00
Gives the amount in the Treasury	699,527 84

on the 31st of December, 1843; which sum, with the accruing interest to the 31st of December, 1846, will exceed $800,000. The stipulated period of payment of the principal of all these bonds is remote—none being payable earlier than 1850; some of them not before 1870; and all postponable at the pleasure of the State. So that, while the payments of interest remain suspended, neither principal nor interest is available for application by Congress to the purpose of the bequest—the increase and diffusion of knowledge among men.

Yet, in the act of Congress of July 1st, 1836, accepting

the bequest, the faith of the United States was solemnly pledged that all the sums of money and other funds received for or on account of this legacy, should be applied to the humane and generous purpose prescribed by the testator.

For the redemption of this pledge, it is indispensably necessary that the fund now locked up in the Treasury, in the bonds of these States, and the accruing interest on them, (the payment of which is now suspended,) should be made available for the disposal of Congress to execute the sacred trust which, in the name of the United States, they have assumed. For this purpose, the committee report a bill appropriating the sum of $800,000 to be invested in certificates of stock of the United States, bearing interest at the rate of six per cent. a year, payable half-yearly, and redeemable at the pleasure of Congress, by the substitution of other funds of equal value; which sum of $800,000 shall constitute permanent funds—thus appropriated, as follows:

1. To replace the sum of $508,318.46 deposited in the mint of the United States, in gold, on the 1st of September, 1838, and $500,000 of which were, on the 4th of the same month, invested for and on account of the United States, in bonds of the State of Arkansas.

2. $300,000 to supply the place of the interest which has accrued, and will accrue until or near the 31st of December, 1846, on the bonds now in the Treasury of the United States, the payment of interest on which is at present suspended.

The committee will not entertain a doubt that the States of Arkansas, Illinois, and Michigan, will have made, before the close of the year 1846, provision for payment of the arrears of interest due upon their bonds, and for the punctual payment of the same interest as it may hereafter accrue. The appropriations from the Treasury proposed by the bill herewith reported, will require no disbursement of money beyond one year's interest on the whole fund, and the amount now in the Treasury and available for the immediate disposal of Congress. The appropriations authorized by the bill are necessary to enable Congress to proceed immediately to the execution of the trust committed to them by the testator, and for the fulfillment of which the faith of the nation has been pledged; but they will constitute no burdens upon the Treasury itself, and no ultimate expenditure, other than the proceeds of the Smithsonian fund itself. The proposal is, that of this sum of

$300,000, $60,000 shall be held as a permanent fund; from the interest of which, without intrenching upon the principal, a sum of $3,600 a year shall be provided for the compensation of an astronomical observator, and for the contingent expenses of repairs of an observatory, occasionally required. That a like fund of $120,000 shall be reserved, yielding a yearly interest of $7,200, for a compensation of $1,500 a year for each of four assistant observers, and of two laborers with the wages for each of $600 a year. That a fund of $20,000 should supply a yearly interest for the purchase of new publications on subjects connected with science; and another fund, from the interest of which may be defrayed the compensation of the secretary and treasurer of the corporation, and the charge of publication of a nautical almanac, and of the observations made by the observators. There remains, then, a sum of $70,000 to be expended for the erection of the observatory, and of the necessary buildings connected therewith, and for the purchase of instruments and books necessary and suitable for the establishment, which may be thus formed and completed by the close of the year 1846.

For refunding to the Treasury the whole sum thus appropriated, principal and interest, the only requisite will be the sense of justice of the Governments of the States of Arkansas, Illinois, and Michigan, of which, as the committee have observed, they cannot entertain a doubt.

The committee respectfully report, with slight modifications adapted to the present circumstances, the same bill reported by a committee of this House at the 2d session of the 27th Congress, on the 12th of April, 1842.

And, finally, the committee refer the House, for a full exposition of the facts and principles upon which the bill now reported is predicated, to the following previous reports of committees of this House, on the subject of the Smithsonian bequest:

Report No. 181, of January 19, 1836, 24th Congress 1st session, with accompanying documents.

Report No. 277, of March 5, 1840, 26th Congress 1st session, with amendatory bill H. R. No. 1.

Report No. 587, of April 12, 1842, 27th Congress 2d session, with bill H. R. No. 386.

All of which this committee request may be taken as part of their report.

[H. R. No. 418.]

A BILL to provide for the disposal and management of the fund bequeathed by James Smithson to the United States, for the establishment of an institution for the increase and diffusion of knowledge among men.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the Senate and the Speaker of the House of Representatives of the United States, the Chief Justice of the United States, the Secretaries of State, Treasury, War, and Navy, the Postmaster and Attorney Generals, the Chief Justice of the Circuit Court of the United States for the District of Columbia, and the Mayor of the city of Washington, shall be, and hereby are, constituted a body politic and corporate, by the style and title of "The trustees of the Smithsonian Institution for the increase and diffusion of knowledge among men," with perpetual succession, and the usual powers, duties, and liabilities, incident to corporations.

SEC. 2. *And be it further enacted*, That the corporation so constituted shall have power to appoint, from citizens of the United States other than members of the board, a secretary and a treasurer, to hold their offices during the pleasure of the board, and removable at their pleasure, and others to be appointed in their places, and to fix from time to time their compensations. And the secretary and treasurer only shall receive pecuniary compensation for their services, and those of the members of the board of trustees shall be gratuitous. And the offices of secretary and treasurer may, at the discretion of the board of trustees, be held by the same person. The secretary and treasurer shall be sworn to the faithful discharge of the duties of their respective offices; and the treasurer shall give bond, under the penalty of fifty thousand dollars, with sureties to the satisfaction of the Secretary of the Treasury, for the safe custody and faithful application of all the funds of the Institution which may come to his hands or be at his disposal.

SEC. 3. *And be it further enacted*, That the sum of eight hundred thousand dollars be, and the same is hereby appropriated, by investment of that sum in certificates of stock to that amount of the United States, bearing interest at the rate of six per cent. a year, from and after the passage of this act, redeemable at the pleasure of Congress by the substitution of other funds of equal value and yielding the same income, the said interest being payable half-yearly on the first Mondays of January and July. The said stocks to be applied in manner following: First, to constitute a fund of five hundred thousand dollars, bearing interest as aforesaid, to supply the place of the same sum received at the mint of the United States at Philadelphia, in gold, on the first day of September, of the year eighteen hundred and thirty-eight, and on the fourth day of the same month invested, for account of the United States, in five hundred bonds of the State of Arkansas, of one thousand dollars each, bearing interest at the rate of six per cent. a year, payable half-yearly, and the principal of which is redeemable on the second of October, eighteen hundred and sixty. Secondly, to constitute a fund of three hundred thousand dollars, bearing interest as aforesaid, to supply the place of an equal sum invested in one hundred and forty bonds of the States of Arkansas, Michigan, Illinois, and Ohio, and of interest which has accrued, and may hereafter accrue, to the said amount of three hundred thousand dollars, from the said sum deposited at the mint of the United States at Philadelphia, on the first day of September, eighteen hundred and thirty-eight; the said fund to be applied to the execution of the purpose of the testator, "the increase and diffusion of knowledge among men," in manner following:

Of the said fund, there shall be applied for the erection and establishment, at the city of Washington, of an astronomical observatory, adapted to the most effective and continual observations of the phenomena of the heavens; to be provided with the necessary, best, and most perfect instruments and

$300,000, $60,000 shall be held as a permanent fund; from the interest of which, without intrenching upon the principal, a sum of $3,600 a year shall be provided for the compensation of an astronomical observator, and for the contingent expenses of repairs of an observatory, occasionally required. That a like fund of $120,000 shall be reserved, yielding a yearly interest of $7,200, for a compensation of $1,500 a year for each of four assistant observers, and of two laborers with the wages for each of $600 a year. That a fund of $20,000 should supply a yearly interest for the purchase of new publications on subjects connected with science; and another fund, from the interest of which may be defrayed the compensation of the secretary and treasurer of the corporation, and the charge of publication of a nautical almanac, and of the observations made by the observators. There remains, then, a sum of $70,000 to be expended for the erection of the observatory, and of the necessary buildings connected therewith, and for the purchase of instruments and books necessary and suitable for the establishment, which may be thus formed and completed by the close of the year 1846.

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SEC. 2. *And be it further enacted,* That the corporation so constituted shall have power to appoint, from citizens of the United States other than members of the board, a secretary and a treasurer, to hold their offices during the pleasure of the board, and removable at their pleasure, and others to be appointed in their places, and to fix from time to time their compensations. And the secretary and treasurer only shall receive pecuniary compensation for their services, and those of the members of the board of trustees shall be gratuitous. And the offices of secretary and treasurer may, at the discretion of the board of trustees, be held by the same person. The secretary and treasurer shall be sworn to the faithful discharge of the duties of their respective offices; and the treasurer shall give bond, under the penalty of fifty thousand dollars, with sureties to the satisfaction of the Secretary of the Treasury, for the safe custody and faithful application of all the funds of the Institution which may come to his hands or be at his disposal.

SEC. 3. *And be it further enacted,* That the sum of eight hundred thousand dollars be, and the same is hereby appropriated, by investment of that sum in certificates of stock to that amount of the United States, bearing interest at the rate of six per cent. a year, from and after the passage of this act, redeemable at the pleasure of Congress by the substitution of other funds of equal value and yielding the same income, the said interest being payable half-yearly on the first Mondays of January and July. The said stocks to be applied in manner following: First, to constitute a fund of five hundred thousand dollars, bearing interest as aforesaid, to supply the place of the same sum received at the mint of the United States at Philadelphia, in gold, on the first day of September, of the year eighteen hundred and thirty-eight, and on the fourth day of the same month invested, for account of the United States, in five hundred bonds of the State of Arkansas, of one thousand dollars each, bearing interest at the rate of six per cent. a year, payable half-yearly, and the principal of which is redeemable on the second of October, eighteen hundred and sixty. Secondly, to constitute a fund of three hundred thousand dollars, bearing interest as aforesaid, to supply the place of an equal sum invested in one hundred and forty bonds of the States of Arkansas, Michigan, Illinois, and Ohio, and of interest which has accrued, and may hereafter accrue, to the said amount of three hundred thousand dollars, from the said sum deposited at the mint of the United States at Philadelphia, on the first day of September, eighteen hundred and thirty-eight; the said fund to be applied to the execution of the purpose of the testator, "the increase and diffusion of knowledge among men," in manner following:

Of the said fund, there shall be applied for the erection and establishment, at the city of Washington, of an astronomical observatory, adapted to the most effective and continual observations of the phenomena of the heavens; to be provided with the necessary, best, and most perfect instruments and

books, for the periodical publication of said observations, and for the annual composition and publication of a nautical almanac, thirty thousand dollars.

Of the said fund there shall be reserved in the stock thus invested, the sum of sixty thousand dollars, from the yearly interest of which the compensation shall be paid of an astronomical observator, to be appointed by the board of overseers, removable at their discretion, and another to be appointed whenever the said office may be vacant; and his compensation shall be at the rate of three thousand dollars a year, and six hundred dollars a year shall be reserved for the incidental and contingent expenses of repairs upon the buildings, as they may be required.

Also, one hundred and twenty thousand dollars, from the yearly interest of which shall be paid the compensation of four assistants to the astronomer, and of laborers necessary for attendance on him, and for the care and preservation of the buildings. The compensation of the four assistants to be at the rate of fifteen hundred dollars a year each; and the compensation of the laborers not to exceed in amount, for the whole of those found necessary, twelve hundred dollars a year; the assistants and laborers to be appointed and removable by the said board of trustees, at their discretion.

Of the said fund, there shall be applied to furnish an assortment of the best and most perfect instruments for astronomical observation, to be procured under the direction of the astronomical observator, to be appointed conformably to the provisions of this act, twenty thousand dollars.

And there shall be reserved ten thousand dollars, from the interest of which other instruments may be from time to time procured, as occasions for the use of them may arise, and for the repairs of instruments as needed.

And there shall be reserved ten thousand dollars applied to the purchase of a library of books of science and literature, for the use of the observatory, to be selected by the observator; and the further sum of twenty thousand dollars reserved, from the interest of which to pay for a supply of new works, transactions of learned societies, and periodical publications upon science in other parts of the world, or in America.

Of the said fund shall be reserved thirty thousand dollars, from the interest of which shall be paid the compensation of the secretary and treasurer, and the contingent expenses of the corporation hereby constituted, including the expense of the yearly publication of the observations made at the observatory, and of a nautical almanac, to be called the Smithsonian Almanac.

SEC. 4. *And be it further enacted*, That all the moneys and stocks which have been, or may hereafter be, received into the Treasury of the United States, on account of the fund bequeathed by James Smithson, be, and the same are hereby pledged to refund to the Treasury of the United States the sums hereby appropriated. And the Secretary of the Treasury shall cause to be opened an account, in which the Smithsonian fund shall be charged with the sum of eight hundred thousand dollars hereby appropriated and invested in stocks of the United States, and shall be credited by the six hundred and forty bonds of the States of Arkansas, Michigan, Illinois, and Ohio, and by all the sums received, or hereafter to be received, for interest on the said bonds, until the final payment of the principal thereof by the said States. And the Secretary of the Treasury is hereby authorized to sell and transfer, at their nominal par value, principal and interest, and not under, any of the said bonds, with the interest due and unpaid on the same, and to credit the said fund with the proceeds thereof, till the whole sum hereby appropriated, and all the interest hereafter paid thereon, shall be refunded to the Treasury of the United States.

SEC. 5. *And be it further enacted*, That no part of the said Smithsonian fund, principal or interest, shall be applied to any school, college, university, other institute of education, or ecclesiastical establishment.

SEC. 6. *And be it further enacted*, That the observatory provided by the third section of this act, shall be erected under the direction of the board of

trustees, on a site in the city of Washington, to be selected by them; and, should the same be on land belonging to the United States, so much thereof as, in the opinion of the trustees, shall be necessary for the purpose, shall be conveyed to them, in consideration of the sum of ten thousand dollars, taken from that fund by the general appropriation act of third March, eighteen hundred and thirty-nine: *Provided*, That if no such suitable site can be found on the public lands, that then a selection of a site on private property may be made at a price not exceeding one-half cent per square foot, to be paid out of the appropriation in the third section of this act.

SEC. 7. *And be it further enacted*, That all expenditures made by the said board of trustees shall be subject to the approval of the President of the United States; and all the accounts thereof shall be reported to the Secretary of the Treasury, and audited under his direction by the proper officers of the Treasury Department; and the said board shall report to Congress, at every session thereof, the state of the Smithsonian fund, and a full statement of their receipts and expenditures during the preceding year.

SEC. 8. *And be it further enacted*, That the first meeting of the trustees of the Smithsonian fund shall be held at the city of Washington on the third Tuesday of —— next; and that, in the mean time, the custody of the said fund, and the expenditures under the appropriations herein made, shall be held and authorized by the Secretary of the Treasury, subject to the approbation of the President of the United States.

SEC. 9. *And be it further enacted*, That there shall be a board of visitors, to be annually appointed, consisting of nine members; two of whom to be commissioned officers of the army, to be appointed by the Secretary of War; two commissioned officers of the navy, to be appointed by the Secretary of the Navy; the mayors for the time being of the cities of Alexandria and of Georgetown, within the District of Columbia; and one citizen of each of the cities of Washington, Alexandria, and Georgetown, to be appointed by the President of the United States; who shall meet on the first Monday of February, at eleven o'clock, before noon, at the said astronomical observatory, and visit and inspect the condition of the said observatory, and of the Smithsonian Institution generally. They shall choose among themselves a chairman, and shall make report to the President of the United States of the said condition of the institution, specifically indicating in what respect the institution has, during the preceding year, contributed to the purpose of the founder—the increase and diffusion of knowledge among men. To this board the astronomical observator shall make a report to the same effect, so far as regards the astronomical branch of the institution, which report shall be annexed to that of the board to the President of the United States, who shall communicate the said reports to Congress. The services of the members of the said board shall be gratuitous.

SEC. 10. *And be it further enacted*, That there is reserved to Congress the right of altering, amending, adding to, or repealing, any of the provisions of this act, which shall be found inconvenient upon experience: *Provided*, That no contract or individual right, made or acquired under such provisions, shall thereby be impaired or divested.

SEC. 11. *And be it further enacted*, That, for any other moneys which have accrued, or may hereafter accrue, upon the said Smithsonian fund, not herein appropriated, the board of trustees are hereby authorized to make such disposal as they shall deem necessary for the promotion of the purpose of the testator—"the increase and diffusion of knowledge among men," unless the same shall be otherwise disposed of by law.

HOUSE OF REPRESENTATIVES, *June* 14, 1844.

Mr. DEBERRY, from the Committee on Agriculture, made an adverse report upon the petition of citizens of the State

of Massachusetts, in relation to the appropriation of the Smithsonian bequest for the purposes of agricultural education.

PROCEEDINGS IN THE SENATE.

SENATE, *December* 12, 1844.

Mr. Tappan introduced a bill, (S. 18,) which was read the first and second times by unanimous consent, and referred to the Committee on the Library.

The bill is as follows:

A BILL to establish the Smithsonian Institution, for the increase and diffusion of knowledge among men.

Whereas James Smithson, esquire, of London, in the kingdom of Great Britain, by his last will and testament did give the whole of his property to the United States of America, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men; and whereas Congress have heretofore received said property and accepted said trust; therefore, that the same may be executed in good faith, and according to the will of the liberal and enlightened donor—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the property of the said James Smithson as has been received in money and paid into the Treasury of the United States, being the sum of five hundred and eight thousand three hundred and eighteen dollars, be loaned to the United States Treasury, at six per cent. per annum interest, from the third day of December, in the year one thousand eight hundred and thirty-eight, when the same was received into the said Treasury; and that so much of the interest as may have accrued on said sum on the first day of July next, which will amount to the sum of two hundred and nine thousand one hundred and three dollars, be, and the same is hereby, appropriated for the erection of suitable buildings, the enclosing of suitable grounds, and for the purchase of books and instruments for the Smithsonian Institution established by this act; and that six per cent. interest on the said trust fund, it being the said amount of five hundred and eight thousand three hundred and eighteen dollars, received into the United States Treasury, third of December, one thousand eight hundred and thirty-eight, payable, in half yearly payments, on the first of January and July in each year, be, and the same is hereby, appropriated for the perpetual maintenance and support of said institution: *Provided*, That the books to be purchased for said institution shall consist of works on science and the arts, especially such as relate to the ordinary business of life, and to the various mechanical and other improvements and discoveries which may be made.

SEC. 2. *And be it further enacted*, That the business of said institution shall be conducted by a board of managers, to consist of twelve, no two of whom shall be citizens of the same State or Territory; that the persons first appointed on the board of managers shall meet in the city of Washington, on the first Monday of July next after the passage of this act, and, when met, shall divide themselves, by lot, into three sections, one of which shall serve two years, one four, and the other six years; and whenever a vacancy occurs in said board, the same shall be filled by such person as may be appointed by a joint resolution of Congress; that all those who may be appointed to fill vacancies occasioned by death, resignation, or removal out of the United States, shall serve the residue of the term, and allwho those

may be appointed to fill vacancies which occur by lapse of time shall serve for the term of six years; that after said board shall have met and become organized by appointing one of their own body president of said board, it shall be their duty to proceed to select a suitable site for such building as may be, in their judgment, necessary for the institution, and suitable ground for horticultural and agricultural experiments, which ground may be taken and appropriated out of that part of the public ground in the city of Washington called the Mall, lying west of Seventh street; and the ground so selected shall be set out by proper metes and bounds, and a description of the same shall be made and recorded in a book to be provided for that purpose, and signed by said managers, or so many of them as may be convened on said first Monday of July; and such record, or a copy thereof, certified by the president of the board of managers, shall be received as evidence in all courts of the extent and boundaries of the lands appropriated to said institution.

SEC. 3. *And be it further enacted*, That, so soon as the board of managers shall have selected the site for the buildings of the institution, they shall cause to be erected a suitable building, of plain and durable materials and structure, without unnecessary ornament, and of sufficient size, and with suitable rooms or halls for the reception and arrangement, upon a liberal scale, of objects of natural history, a geological and mineralogical cabinet, a library, a chemical laboratory, and a lecture room or rooms; and the said board shall have authority, by themselves, or by a committee of three of their members, to contract for the completion of such building upon such plan as may be directed by the board of managers, and shall take sufficient security to the Treasurer of the United States for the building and finishing the same according to the said plan, and in the time stipulated in such contract: *Provided, however*, That the expense of said building shall not exceed the sum of eighty thousand dollars, which sum is hereby appropriated for that purpose out of any money in the Treasury not otherwise appropriated; and the board of managers shall also cause the grounds selected for horticultural and agricultural purposes to be enclosed and secured, and a suitable building erected to preserve such plants as will not bear exposure to the weather at all seasons; and the sum of twenty thousand dollars is hereby appropriated for such building and enclosure, to be paid out of any moneys in the Treasury not otherwise appropriated; and so soon as it may be necessary for the accommodation of the persons employed in said institution, the said board of managers may cause to be erected on the grounds of the institution such dwelling houses and other buildings, of plain and substantial workmanship and materials, to be without unnecessary ornament, as may be wanted: *Provided, however*, That the whole expense of building and furnishing as many such houses as may be required shall not exceed the residue of said interest which will have accrued on the first day of July next; and for the said expenditure the said residue of said interest, amounting to the sum of seventy-eight thousand six hundred and four dollars, is hereby appropriated, payable out of any moneys in the Treasury not otherwise appropriated; and all such contracts as may be made by said board of managers shall be deposited with the Treasurer of the United States; and all questions which may arise between the United States and any person claiming under and by virtue of any such contract shall be heard and determined by said board of managers, and such determination shall be final and conclusive upon all parties; and all claims on any contract made as aforesaid shall be allowed and certified by the board of managers, or a committee thereof, as the case may be, and being signed by the president of the board, shall be a sufficient voucher for settlement and payment at the Treasury of the United States. And the board of managers shall be authorized to employ such persons as they deem necessary to superintend the erection of the building, and fitting up the rooms of the institution.

SEC. 4. *And be it further enacted*, That, so soon as buildings shall be erected for their reception, all objects of natural history and geological and

mineralogical specimens belonging to the United States, which may be in the city of Washington, in whosesoever custody the same may be, shall be delivered to such persons as may be authorized by the board of managers to receive them, and shall be arranged by the proper professor in such order and so classed as best to facilitate the examination and study of them in the building so as aforesaid to be erected for the institution; and the managers of said institution shall afterwards, as new specimens in natural history, geology, or mineralogy, may be obtained for the museum of the institution by exchanges of duplicate specimens belonging to the institution (which they are hereby authorized to make) or by donations which they may receive, cause such new specimens to be also appropriately classed and arranged. And the minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States, and are now placed in the Patent Office, shall be removed to said institution and shall be preserved separate and apart from the other property of the institution.

SEC. 5. *And be it further enacted*, That the managers of said institution shall appoint a superintendent, whose duty it shall be to take charge of the ground, buildings, and property, belonging to the institution, and carefully preserve the same from injury; and such superintendent shall be the secretary of the board of managers, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in said institution; and the said superintendent shall also discharge the duties of professor of agriculture, horticulture, and rural economy, in said institution, and in that capacity may, with the approbation of the board of managers, employ, from time to time, so many gardeners and other laborers as may be necessary to cultivate the ground and keep in repair the buildings of said institution; and the superintendent shall receive for his services such sum as may be allowed by the board of managers, to be paid semi-annually on the first day of January and July; and the said superintendent shall be removable by the board of managers whenever, in their judgment, the interest of the institution require the superintendent to be changed.

SEC. 6. *And be it further enacted*, That, at the first meeting of the board of managers, they shall fix on the times for regular meetings of the board, and on application of any three of the managers to the superintendent of the institution, it shall be his duty to appoint a time for a special meeting of the board, of which he shall give notice by letter to each of the members, and at any meeting of the board of managers five shall constitute a quorum to do business; that each member of the board of managers shall be paid his necessary travelling and other expenses in attending meetings of the board, which shall be audited, allowed, and recorded, by the superintendent of the institution. And whenever any person employed by the authority of the institution shall have performed service entitling him to compensation, whether the same shall be by way of salary payable semi-annually or wages for labor, or whenever money is due from said institution for any purpose whatever, the superintendent shall certify to the president of the board that such compensation or money is due, whereupon the president shall certify the same to the proper officer of the Treasury Department for payment.

SEC. 7. *And be it further enacted*, That the board of managers may appoint some suitable person as professor of natural history, a professor of chemistry, a professor of geology, and a professor of astronomy, with such other professors as the wants of science may require. They shall also employ able men to lecture in the institution upon the arts and sciences, and shall fix the compensation of such professors and lecturers: *Provided*, That no professorship shall be established or lecturer employed to treat or lecture on law, physic, or divinity, it being the object of the institution to furnish facilities for the acquisition of such branches of knowledge as are not taught in the various universities.

SEC. 8. *And be it further enacted*, That the board of managers shall make

all needful rules, regulations, and by-laws, for the government of the institution and the persons employed therein; and, in prescribing the duties of the professors and lecturers, they shall have special reference to the introduction and illustration of subjects connected with the productive and liberal arts of life, improvements in agriculture, in manufactures, in trades, and in domestic economy. They shall direct experiments to be made by the professor of agriculture, horticulture, and rural economy, to determine the utility and advantage of new modes and instruments of culture, to determine whether new fruits, plants, and vegetables, may be cultivated to advantage in the United States; and they shall direct the distribution of all such fruits, plants, seeds, and vegetables, as shall be found useful and adapted to any of our soils and climates, so that the people in every part of the Union may enjoy the benefit and advantage of the experiments made by the institution. They shall also direct the professor of chemistry to institute a chemical analysis of soils from different sections of the United States, to make experiments on the various modes of improving and enriching the several kinds of soil found within the United States, and at all times to include, in his course of lectures, the subject of agricultural chemistry. They shall also direct the professor of natural history especially to refer, in his course of lectures, to the history and habits of such animals as are useful, or such animals and insects as are injurious, including the best means of taking care of and improving the one, and of protecting grain and other products from the other. They shall also direct the professor of geology to include, in his course of lectures, practical instructions of a general character, to aid in the exploration and working of mines. They shall also direct the professor of architecture and domestic science to include, in his course of lectures, practical instructions as to the best modes and materials for building, according to climate and location, throughout the United States, from the simple single dwelling to the more complicated and costly structures for public and other purposes; also, to institute experiments in regard to the best mode of lighting, heating, and ventilating buildings, public and private, and to determine the value of such scientific improvements as may, from time to time, be made in the same or in any other important branch of domestic economy. They shall also direct the professor of astronomy to include, in his lectures, a course on navigation, including the use of nautical instruments. And it shall be competent for the said managers, at their discretion, to cause to be printed and published, from time to time, works, in popular form, on the sciences and on the aid they bring to labor, written by the professors of the institution, or by other persons engaged for the purpose: *Provided*, That such works shall, at all times, be offered for sale at the lowest rates that will repay the actual expense of publication: *And provided*, That such works shall, before publication, be submitted to and examined by the board of managers, or a committee of their number. And the said board shall also make rules and regulations for the admission of students into the various departments of the institution, and their conduct and deportment while they remain therein: *Provided*, That all instruction in said institution shall be gratuitous to those students who conform to such rules and regulations.

SEC. 9. *And be it further enacted*, That   be appointed managers of the said Smithsonian Institution, to hold their offices as is hereinbefore provided.

SENATE, *December* 16, 1844.

Mr. TAPPAN, from the Committee on the Library, reported S. bill 18, without amendment.

SENATE, *December* 31, 1844.

On motion of Mr. TAPPAN, the Senate considered, as in

Committee of the Whole, the bill S. 18, and various verbal amendments offered by him, were adopted.

On motion by Mr. HUNTINGTON, the further consideration was postponed to, and made the order of the day for Thursday next.

Mr. CHOATE and Mr. TAPPAN offered amendments, which were ordered to be printed.

SENATE, *January* 6, 1845.

Mr. TAPPAN presented a petition of Thomas Johnson and others, citizens of Huron county, Ohio, praying the passage of the bill now before the Senate to establish the Smithsonian Institution; which was ordered to lie on the table.

Mr. FOSTER, of New York, presented a petition of General N. V. Knickerbocker and two hundred other citizens of Steuben county, New York, praying the passage of the bill to establish the Smithsonian Institution; which was ordered to lie on the table.

SENATE, *January* 8, 1845.

The Senate resumed, as in Committee of the Whole, the consideration of the bill (S. 18) to establish the Smithsonian Institution.

The bill having been read—

Mr. CHOATE said he was sure that, whatever opinion might be at last formed on this bill, its principles, or its details, all would concur in expressing thanks to the Senator from Ohio [Mr. TAPPAN] for introducing it. We shall differ, he proceeded, more perhaps than could be wished, or than can be reconciled, about the mode of administering this noble fund; but we cannot differ about our duty to enter at once on some mode of administering it. A large sum of money has been given to us, to hold and to apply, in trust, "for the increase and diffusion of knowledge among men." We have accepted the trust. "To this application—(such is the language of our act of the 1st of July, 1836—) to this application of the money the faith of the United States is hereby pledged." The donor is in his grave. There is no chancellor to compel us to redeem our pledge; and there needs none. Our own sense of duty to the dead, and the living, and the unborn who shall live—our justice, our patriotism, our policy, common honesty, common decorum, urge us, and are enough to urge us, to go on, without the delay of an hour, to appropriate the bounty according to the form of the gift. I thank the Senator, therefore, for introducing a bill with which, to my

own knowledge, he has taken much—and, so far as I can see or conceive—disinterested pains, and which affords us an opportunity to discharge a plain duty, perhaps too long delayed.

I think, too, sir, that the Senator has, in the first section of the bill, declared the true fundamental law according to which this fund ought to be permanently administered. He lends to the United States the whole sum of $508,318 actually received out of the English chancery, from the 3d of December, 1838, when it was received, at an interest of six per cent. per annum. He leaves the sum of $209,103, which is so much of the interest as will have accrued on the first day of July next, to be applied at once to the construction of buildings, the preparation of grounds, the purchase of books, instruments, and the like; and then appropriates the interest, and the interest only, of the original principal sum, for the perpetual maintenance of the institution, leaving the principal itself unimpaired forever. This, all, is exactly as it should be.

But when you examine the bill a little further, to discern what it is exactly which this considerable expenditure of money is to accomplish—when you look to see how and how much it is going "to increase and diffuse knowledge among men," I am afraid that we shall have reason to be a little less satisfied. I do not now refer to the constitution of the board of management, of which, let me say, under some important modifications, I incline to approve; although on that I reserve myself. I speak of what the fund, however managed, is to be made to do. The bill assumes, as it ought, to apply it "to increase and diffuse knowledge among men." Well, how does it accomplish this object?

It proposes to do so, for substance, by establishing in this city a school or college for the purpose of instructing its pupils in the application of certain physical sciences to certain arts of life. The plan, if adopted, founds a college in Washington to teach the scientific principles of certain useful arts. That is the whole of it. It appoints, on permanent salaries, a professor of agriculture, horticulture, and rural economy; a professor of natural history; a professor of chemistry; a professor of geology; a professor of astronomy; a professor of architecture and domestic science; together with a fluctuating force of occasional auxiliary lecturers; and all these professors and lecturers are enjoined "to have special reference, in all their illustrations and instructions, to the productive and liberal arts of life—to improvements in agriculture, manufactures, trades,

and domestic economy." Thus, the professor of chemistry is to analyze different kinds of soils, and to learn and teach how to enrich them; the professor of natural history is to deal with noxious or useful animals and insects; the professor of geology is to illustrate the working of mines; the professor of astronomy is to teach navigation; the professor of architecture and domestic science is charged with the theory and practice of building, lighting, and ventilating all manner of edifices; and the professor of agriculture, horticulture, and domestic economy is to make experiments to see what exotics will grow and what will not, all over the United States. And, in pursuance of the same theory of administration of the fund, it is provided that not a book is to be purchased for the institution except "works on science and the arts, especially such as relate to the ordinary business of life, and to the various mechanical and other improvements and discoveries which may be made."

Now, I say that this creates a college or school—such as it is—on the basis of a somewhat narrow utilitarianism—to be sure, erroneously so-called—but a college or academical institution. Who is to be taught agriculture, architecture, domestic science, rural economy, and navigation? Not you, Mr. President, I suppose, not Congress, not the Government, not men at all. Students, pupils, youths, are to be brought hither, if you can find them; "rules and regulations" (so runs the 8th section of the bill) are to be made "for the admission into the various departments of the institution, and their conduct and deportment while they remain therein," and instruction is to be given them by professors and lecturers. This surely is a school, a college, an academical institute of education, such as it is, or nothing.

Well, sir, in reviewing, as I have had occasion to do, the proceedings of Congress upon this subject heretofore, I have received the impression that it had become quite your settled judgment—settled on the most decisive reasons—that no school, college, or academical establishment should be constituted. It seems that in the session of 1838 a joint committee of the two branches was charged with this deliberation. The chairman of the committee from this body was Mr. Robbins, and the chairman, on the appointment of the House, was Mr. Adams; both of them, I may pause to say, persons of the most profound and elegant acquisition; both of them of that happy rare class who "grow old still learning." The two committees differed on

this very question whether a school or college should be established. The opinion of the committee of the House is expressed in the 4th section of the bill (No. 293 Senate) which they desired to report, and which is in these words:

"SEC. 4. *And be it further enacted*, That no part of the said Smithsonian fund, principal or interest, shall be applied to any school, college, university, institute of education, or ecclesiastical establishment."

That of the committee of the Senate is distinctly enough intimated in the beautiful speech with which Mr. Robbins introduced the subject in January, 1839. I find it in the Appendix to the *Congressional Globe:*

"I could wish, if all were agreed in it, that this institution should make one of a number of colleges, to constitute a university to be established here, and to be endowed in a manner worthy of this great nation and their immense resources. But, as opinions are divided upon this subject—not, I should hope, as to the great desirableness of such an establishment, but as to the constitutional competency of Congress to undertake it—I will not embarrass my present object by involving it with that subject. This, as an independent institution, may hereafter be made a part of such a university, should one be established; but it is now to be looked at only as an independent institution."

It was to embody and execute this conception that Mr. Robbins drew the Senate bill No. 292.

Finding themselves unable to agree, it was determined that each committee should report both of these bills to their respective Houses. On the 25th February, 1839, the bill drawn by Mr. Robbins was taken up in this body, and after an animated discussion, was laid on the table by a vote of 20 to 15. This vote is regarded, I perceive, by Mr. Adams, in his subsequent reports of 1840 and 1842, as expressing the judgment of the Senate against the establishment of such academical institute of learning. He says:

"It is then to be considered as a circumstance propitious to the final disposal of this fund, by the organization of an institution the best adapted to accomplish the design of the testator, that this first but erroneous impression of that design, an institute of learning, a university, upon the foundation of which the whole fund should be lavished, and yet prove inadequate to its purpose, without large appropriations of public moneys in its aid—should have been presented to the consideration of Congress, referred to a numerous joint committee of both Houses, there discussed, reported for the deliberation of both Houses, fully debated in the House where it originated, and then decisively rejected."

If such may be inferred to have been the judgment of the Senate, it may be defended on the most decisive reasons. It is hardly worth while to move the question whether it would be expedient to apply the fund as far as it would go to the founding of a great university deserving of the name —a national university—in which all the branches of a thorough education should be taught; which should fill the

space between the college and professional schools which should guide the maturer American mind to the highest places of knowledge; for such should be the functions of such a university. It is not worth while to move this question, because no such proposition is before us. I am afraid, with Mr. Adams, that to found such a university would consume the whole fund, interest and principal, almost at once, and reduce you to the alternative of a signal failure, or of occasional and frequent application to the Government for aid which could never be granted. But the Senator from Ohio contemplates no such thing. He constructs his college on a far more moderate model; and of this college of his I am constrained to say, that I think it in the actual state of academical education wholly unnecessary, and in a great degree useless. Why, sir, there are in the country more than a hundred colleges; I have seen them estimated at one hundred and seventy-three. These are distributed all over the United States; two are in this District. They are at the doors of the people. I suspect that every one of them has a professor for every department provided for in this bill, except architecture and domestic science, and agriculture and rural economy. In every one, without any difficulty, that special attention here recommended, to the application of science "to the ordinary business of life," may be, if it is not now secured, if in the judgment of those who are entrusted with their management it is thought expedient. Why, sir, I recollect that navigation was taught in one at least of our common free district schools of Massachusetts thirty years ago. I cannot concur with the honorable framer of the bill, therefore, that his school is to "furnish facilities for the acquisition of such branches of knowledge as are not taught in the various universities." It will do no such thing. It will injure those universities, rather, if it has any effect, by withdrawing from them some portion of the patronage for which they are all struggling, and of which so few get a full meal.

Such a school, then, I think, is scarcely now necessary. In this city it would be, to say no more, very far from generally useful. It would hardly appear to be an instrumentality coming up to the sonorous promise of "increasing and diffusing knowledge among men." Who would its pupils be? Who could afford to come all the way to Washington from the South, West, and North to learn architecture, navigation, and domestic science? Certainly only the sons of the wealthy, who would hardly come, if they could, to learn any such branch of homely knowledge.

You might collect some few students in the District and the borders of the adjacent States; but for any purpose of wide utility the school would be no more felt than so much sunshine on the poles. Meantime here would be your professors, their salaries running on, your books, and apparatus, and edifices, a show of things—a pretty energetic diffusing of the fund, not much diffusion of knowledge.

I shall venture, then, to move to strike out all those parts of the bill which indicate the particular mode in which the bequest is to be applied to the increase and diffusion of knowledge. I except the provision for experiments in seeds and plants, on which I will say a word hereafter. If this motion prevails the whole question will recur: What shall we do with the fund?

It has seemed to me that there are two applications of it which may just now meet with favor.

In the first place, to begin with the least important, I adopt, with some modifiations, the suggestion in the bill that lectures be delivered in this city for two or three months during every session of Congress. These lectures should be delivered not by professors permanently fixed here, upon annual salaries, to do nothing in the recess of Congress, or to do nothing that cannot be as well done at one hundred and fifty other places, but by gentlemen eminent in science and literature, holding situations elsewhere, and coming hither under the stimulations and with the ambition of a special and conspicuous retainer. They might be professors of colleges, men of letters, persons distinguished in the professions, or otherwise. Names will occur to you all which I need not mention; and their lectures should be adapted to their audiences. Who would their audiences be? Members of Congress with their families, members of the Government with theirs, some inhabitants of this city, some few strangers who occasionally honor us with visits of curiosity or business. They would be public men, of mature years and minds; educated, disciplined to some degree, of liberal curiosity, and appreciation of generous and various knowledge. Such would be the audience. The lectures should be framed accordingly. I do not think they should be confined to three or four physical sciences in their applications to the arts of life—navigation, useful or hurtful insects and animals, the ventillation of rooms, or the smoking of chimneys. This is knowledge, to be sure; but it is not all knowledge, nor half of it, nor the best of it. Why should not such an audience hear something of the philosophy of history, of

classical and of South American antiquities, of international law, of the grandeur and decline of States, of the progress and eras of freedom, of ethics, of intellectual philosophy, of art, taste, and literature in its most comprehensive and noblest forms? Why should they not hear such lectures as Sir James Macintosh delivered when a young man to audiences among whom were Canning, and such as he? Would it not be as instructive to hear a first-rate scholar and thinker demonstrate out of a chapter of Greek or Italian history how dreadful a thing it is for a cluster of young and fervid democracies to dwell side by side, *independent and disunited*, as it would to hear a chemist maintain that to raise wheat you must have some certain proportion of lime in the soil? But the subjects of lectures would of course be adapted to time, place, and circumstances, and varied with them. Whatever they should treat of, they would be useful. They would recreate, and refresh, and instruct you. They would relieve the monotony, and soften the austerity, and correct all the influences of this kind of public service.

But, Mr. President, all this is no administration of the fund; all this ought to cost less than five thousand dollars a year. We could not sustain more than one lecture in a week, nor that for more than three months of any session. Here is an accumulated interest of two hundred thousand dollars; and here is an annual interest of thirty thousand, of which thus far I have provided for an expenditure of some five thousand only. What will you do with the rest?

It is easy to waste this money; it is easy to squander it in jobs, salaries, quackeries; it is easy, even under the forms of utility, to disperse and dissipate it in little rills and drops, imperceptible to all human sense, carrying it off by an insensible and ineffectual evaporation. But, sir, I take it that we all earnestly desire—I am sure the Senator from Ohio does so—so to dispense it as to make it tell. I am sure we all desire to see it, instead of being carried off invisibly and wastefully, embody itself in some form, some exponent of civilization, permanent, palpable, conspicuous, useful. And to this end it has seemed to me, upon the most mature reflection, that we cannot do a safer, surer, more unexceptionable thing with the income, or with a portion of the income—perhaps twenty thousand dollars a year for a few years—than to expend it in accumulating a grand and noble public library—one which, for variety, extent, and wealth, shall be, and be confessed to be, equal to any now in the world.

I say for a few years. Twenty thousand dollars a year, for twenty-five years, are five hundred thousand dollars; and five hundred thousand dollars discreetly expended, not by a bibliomaniac, but by a man of sense and reading, thoroughly instructed in bibliography, would go far, very far, towards the purchase of nearly as good a library as Europe can boast. I mean a library of printed books, as distinct from manuscripts. Of course such a sum would not purchase the number of books which some old libraries are reported to contain. It would not buy the 700,000 of the Royal Library at Paris, the largest in the world; nor the 500,000 or 600,000 of that of Munich, the largest in Germany; nor the 300,000, 400,000, or 500,000 of those of Vienna and St. Petersburg, and the Vatican at Rome, and Copenhagen, and the Bodleian at Oxford. But mere numbers of volumes afford a very imperfect criterion of value. Those old libraries have been so long in collecting; accident and donation, which could not be rejected, have contributed so much to them, a general and indiscriminate system of accumulation gathers up, necessarily, so much trash; there so many duplicates and quadruplicates, and so many books and editions which become superseded, that mere bulk and mere original cost must not terrify us. *Ponderantur non numerantur.* Accordingly the Library of the University at Gottingen, consisting of perhaps two hundred thousand volumes, but well chosen, selected for the most part, within a century, and to a considerable extent by a single great scholar, (Heyne,) is perhaps to-day as valuable a collection of printed books as any in the world. Towards the accumulation of such a library, the expenditure of two-thirds of this income for a quarter of a century would make, let me say, a magnificent advance. And such a step taken, we should never leave the work unfinished; yet when it should be finished, and your library should rival anything which civilization has ever had to show, there would still be the whole principal of your fund unexpended, yielding its income forever, for new and varying applications for increasing and diffusing knowledge in the world.

[Mr. CHOATE here read a letter of Professor Torrey, of Burlington, showing at what reduced prices valuable books may now be purchased.]

I hesitate, from an apprehension of being accused of entering too far into a kind of dissertation unsuited to this assembly of men of business, to suggest and press one-half the considerations which satisfy my mind of the propriety of this mode of expenditure. Nobody can doubt, I think,

that it comes within the terms and spirit of the trust. That directs us to "increase and diffuse knowledge among men." And do not the judgments of all the wise—does not the experience of all enlightened States—does not the whole' history of civilization, concur to declare that a various and ample library is one of the surest, most constant, most permanent, and most economical instrumentalities to increase and diffuse knowledge? There it would be—durable as liberty, durable as the Union; a vast storehouse, a vast treasury, of all the facts which make up the history of man and of nature, so far as that history has been written; of all the truths which the inquiries and experiences of all the races and ages have found out; of all the opinions that have been promulgated; of all the emotions, images, sentiments, examples, of all the richest and most instructive literatures: the whole past speaking to the present and the future; a silent, yet wise and eloquent teacher; dead yet speaking—not dead! for Milton has told us that a "good book is not absolutely a dead thing—the precious life-blood rather of a master spirit; a seasoned life of man embalmed and treasured up on purpose to a life beyond life." Is that not an admirable instrumentality to increase and diffuse knowledge among men? It would place within the reach of our mind, of our thinkers, and investigators, and scholars, all, or the chief, intellectual and literary materials, and food and instruments, now within the reach of the cultivated foreign mind; and the effect would be to increase the amount of individual acquisition, and multiply the number of the learned. It would raise the standard of our scholarship, improve our style of investigation, and communicate an impulse to our educated and to the general mind. There is no library now in this country, I suppose, containing over 50,000 volumes. Many there are containing less. But, from the nature of the case, all have the same works; so that I do not know, that of all the printed books in the world, we have in this country more than 50,000 different works. The consequence has been felt and lamented by all our authors and all our scholars. It has been often said that Gibbon's history could not have been written here for want of books. I suppose that Hallam's Middle Ages, and his Introduction to the Literature of Europe could not. Irving's Columbus was written in Spain. Wheaton's Northmen was prepared to be written in Copenhagen. See how this inadequate supply operates. An American mind kindles with a subject; it enters on an investigation with a spirit and with an ability worthy of the most splendid

achievement; goes a little way, finds that a dozen books, one book, perhaps, is indispensable, which cannot be found this side of Gottingen or Oxford; it tires of the pursuit, or abandons it altogether, or substitutes some shallow conjecture for a deep and accurate research, and there an end. Let me refer to a passage or two of the complaints of studious men on this subject:

"An extensive library, answering to the wants of literary men who are to use it, is essential to the public and effectual promotion of learning. In this country the want of large libraries, is a serious discouragement of superior attainments and accurate researches in almost every walk of study. The time necessary for reading or examining a particular book is often consumed in attempts to discover or obtain it; and frequently, after every effort, it cannot be procured. We are obliged to give over our inquiries on subjects where we would arrive at fulness and exactness in our knowledge, because destitute of the assistance which the learned, in the same track of study, have furnished, or to continue them under the disadvantage of ignorance respecting what has been done by others. Thus we are liable to be occupied in solving difficulties which have been already cleared, discussing questions which have been already decided, and digging in mines of literature which former ages have exhausted. Every one who has been in the way of pursuing any branch of study in our country beyond the mere elements, or the polite and popular literature of the time, knows how soon the progress is often arrested for want of books. This is not the case merely with persons of moderate means, who are unable to purchase a library of their own, but it is a want felt under the most favorable circumstances.

"It is also of great importance that the library of a university should not only be good, but very good, ample, munificent; a deposit of the world's knowledge. It is a grievous thing to be stopped short in the midst of an inquiry for perhaps the very book that throws most light upon it; and the progress of learning must be small indeed among us, so long as the student must send across the Atlantic at every turn for the necessary aids to his pursuits. It is not with us as it is in Europe, where very many libraries exist, and where what is not contained in one may be found in another; and the learned are able to aid each other's labors by furnishing mutually, as desired, extracts and references to such books as may exist at one place and fail at another. To say nothing of our two best libraries being remote from each other and from many parts of the country, they are themselves, of course, inadequate. In making one tolerably complete department expressly chosen for that, and entirely devoted to it, we might easily comprise the amount of books in our largest collection. When it is added that the libraries mentioned are miscellaneous, their number of books small, as the sum total is scattered over all the parts of knowledge, and many introduced by separate contributions without mutual reference to each other, it is obvious that, comparatively speaking, the best must be extremely defective."—*North American Review*, *vol.* 8, *p.* 192.

"What public library in this country contains the materials for an accurate history of any one department of science? Take even the most limited, or rather one of the most recent of all, the science of political economy. Here our researches are confined to one definite period. We have no dusty archives to explore, no time-worn manuscripts to decipher. The origin of the science is within the memory of our fathers, and we ourselves have witnessed its sudden growth and rapid development. Yet how much is to be done, how many authorities to be weighed, how many different treatises to be analyzed and compared, before we can venture to say: Here is the history; for such was the rise, such the progress, such the changes of opinions, such the received and such the rejected theories of political econ-

that it comes within the terms and spirit of the trust. That directs us to "increase and diffuse knowledge among men." And do not the judgments of all the wise—does not the experience of all enlightened States—does not the whole history of civilization, concur to declare that a various and ample library is one of the surest, most constant, most permanent, and most economical instrumentalities to increase and diffuse knowledge? There it would be—durable as liberty, durable as the Union; a vast storehouse, a vast treasury, of all the facts which make up the history of man and of nature, so far as that history has been written; of all the truths which the inquiries and experiences of all the races and ages have found out; of all the opinions that have been promulgated; of all the emotions, images, sentiments, examples, of all the richest and most instructive literatures: the whole past speaking to the present and the future; a silent, yet wise and eloquent teacher; dead yet speaking—not dead! for Milton has told us that a "good book is not absolutely a dead thing—the precious life-blood rather of a master spirit; a seasoned life of man embalmed and treasured up on purpose to a life beyond life." Is that not an admirable instrumentality to increase and diffuse knowledge among men? It would place within the reach of our mind, of our thinkers, and investigators, and scholars, all, or the chief, intellectual and literary materials, and food and instruments, now within the reach of the cultivated foreign mind; and the effect would be to increase the amount of individual acquisition, and multiply the number of the learned. It would raise the standard of our scholarship, improve our style of investigation, and communicate an impulse to our educated and to the general mind. There is no library now in this country, I suppose, containing over 50,000 volumes. Many there are containing less. But, from the nature of the case, all have the same works; so that I do not know, that of all the printed books in the world, we have in this country more than 50,000 different works. The consequence has been felt and lamented by all our authors and all our scholars. It has been often said that Gibbon's history could not have been written here for want of books. I suppose that Hallam's Middle Ages, and his Introduction to the Literature of Europe could not. Irving's Columbus was written in Spain. Wheaton's Northmen was prepared to be written in Copenhagen. See how this inadequate supply operates. An American mind kindles with a subject; it enters on an investigation with a spirit and with an ability worthy of the most splendid

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"An extensive library, answering to the wants of literary men who are to use it, is essential to the public and effectual promotion of learning. In this country the want of large libraries, is a serious discouragement of superior attainments and accurate researches in almost every walk of study. The time necessary for reading or examining a particular book is often consumed in attempts to discover or obtain it; and frequently, after every effort, it cannot be procured. We are obliged to give over our inquiries on subjects where we would arrive at fulness and exactness in our knowledge, because destitute of the assistance which the learned, in the same track of study, have furnished, or to continue them under the disadvantage of ignorance respecting what has been done by others. Thus we are liable to be occupied in solving difficulties which have been already cleared, discussing questions which have been already decided, and digging in mines of literature which former ages have exhausted. Every one who has been in the way of pursuing any branch of study in our country beyond the mere elements, or the polite and popular literature of the time, knows how soon the progress is often arrested for want of books. This is not the case merely with persons of moderate means, who are unable to purchase a library of their own, but it is a want felt under the most favorable circumstances.

"It is also of great importance that the library of a university should not only be good, but very good, ample, munificent; a deposit of the world's knowledge. It is a grievous thing to be stopped short in the midst of an inquiry for perhaps the very book that throws most light upon it; and the progress of learning must be small indeed among us, so long as the student must send across the Atlantic at every turn for the necessary aids to his pursuits. It is not with us as it is in Europe, where very many libraries exist, and where what is not contained in one may be found in another; and the learned are able to aid each other's labors by furnishing mutually, as desired, extracts and references to such books as may exist at one place and fail at another. To say nothing of our two best libraries being remote from each other and from many parts of the country, they are themselves, of course, inadequate. In making one tolerably complete department expressly chosen for that, and entirely devoted to it, we might easily comprise the amount of books in our largest collection. When it is added that the libraries mentioned are miscellaneous, their number of books small, as the sum total is scattered over all the parts of knowledge, and many introduced by separate contributions without mutual reference to each other, it is obvious that, comparatively speaking, the best must be extremely defective."—*North American Review, vol.* 8, *p.* 192.

"What public library in this country contains the materials for an accurate history of any one department of science? Take even the most limited, or rather one of the most recent of all, the science of political economy. Here our researches are confined to one definite period. We have no dusty archives to explore, no time-worn manuscripts to decipher. The origin of the science is within the memory of our fathers, and we ourselves have witnessed its sudden growth and rapid development. Yet how much is to be done, how many authorities to be weighed, how many different treatises to be analyzed and compared, before we can venture to say: Here is the history; for such was the rise, such the progress, such the changes of opinions, such the received and such the rejected theories of political econ-

omy! The writers of the first French school, of the Scotch school, (and, if we wish for history, we must go beyond the publication of Adam Smith's great work,) the Italian, the new French, and the new English schools, all have not merely a claim upon our attention, but are entitled to a full and accurate examination. And even then our task would be incomplete; for literary justice would require us to trace, through the works of general political writers, the hints and remarks which have contributed to the progress of the branch we are studying, by the discovery of truth or by the exposition of error. If such be the obligation of the student whose researches are confined to a subject so new, what must be the necessities of the historian who attempts to throw light upon those periods, for which the testimony of printed authorities is to be confronted with that of manuscripts and public documents, and where ignorance and prejudice have combined with the more powerful incentives of interest to perplex his path by contradictory statements and conflicting opinions!

"Books are needed, not confined to any single branch, but embracing the whole range of science and of literature, which shall supply the means of every species of research and inquiry, and which, placed within reach of all, shall leave idleness no excuse for the lightness of its labors, and poverty no obstacles which industry may not surmount.

"Whoever reflects, though but for a moment, upon the numerous branches into which modern literature runs, and remembers that the literary glory of a nation can only be secured by a certain degree of success in each of them—whoever considers the immense mass of varied materials, without which no historical work of importance can be composed, or the extensive learning which is required of even the most gifted genius of an age like ours, and adds to these considerations the general and undeniable fact that of those who would gladly devote themselves to literature, but a few can ever hope to obtain by their own resources the command of the works that are essential to the successful prosecution of their studies, will be ready to acknowledge that we have, as yet, done but a small part of what may be justly claimed from a nation which aspires to the first rank for the liberality, and politeness, and high moral tone of its civilization. Late, however, as we are to begin, scarce anything in this department has been accomplished in Europe which might not be done with equal success in America. And so numerous and manifest are our advantages in some important particulars, that a prompt will and sound judgment in the execution of it might, in the course of a very few years, render the American student nearly independent of those vast collections which, in Europe, have required centuries for their formation. The undertaking, however, in order to be successful, should be a national one. Without arguing that no State is fully equal to it, or that in the bounds of any single State it would not answer the same purpose, we may be permitted to say that the enlargement of the library of Congress upon those broad principles, the application of which to the collection of books has become a difficult and important art, would reflect an honor upon the country equal to the permanent advantages which it would secure to every member of the community."—*North American Review, vol.* 45, *p.* 137.

Yet these writers had access to the best library in this country.

Now there are very many among us, and every day we shall have more, who would feelingly adopt this language. Place within their reach the helps that guide the genius and labors of Germany and England, and let the genius and labors of Germany and England look to themselves! Our learned men would grow more learned and more able; our studies deeper and wider; our mind itself exercised and

sharpened; the whole culture of the community raised and enriched. This is, indeed, to increase and diffuse knowledge among men.

If the terms of the trust, then, authorize this expenditure, why not make it? Not among the principal, nor yet the least of reasons for doing so, is, that all the while that you are laying out your money, and when you have laid it out, you have the money's worth, the value received, the property purchased, on hand, to show for itself and to speak for itself. Suppose the professors provided for in the bill should gather a little circle of pupils, each of whom should carry off with him some small quotient of navigation or horticulture, or rural economy, and the fund should thus glide away and evaporate in such insensible, inappreciable appropriations, how little there would be to testify of it! Whereas here, all the while, are the books; here is the value; here is the visible property; here is the oil, and here is the light. There is something to point to, if you should be asked to account for it unexpectedly, and something to point to, if a traveller should taunt you with the collections which he has seen abroad, and which gild and recommend the absolutisms of Vienna or St. Petersburgh.

Another reason, not of the strongest to be sure, for this mode of expenditure is, that it creates so few jobs and sinecures; so little salaried laziness. There is no room for abuses in it. All that you need is a plain, spacious, fireproof building; a librarian and assistants; an agent to buy your books, and a fire to sit by. For all the rest, he who wants to read goes and ministers to himself. It is an application of money that almost excludes the chances of abuses altogether.

But the decisive argument is, after all, that it is an application the most exactly adapted to the actual literary and scientific wants of the States and the country. I have said that another college is not needed here, because there are enough now; and another might do harm as much as good. But that which is wanted for every college, for the whole country, for every studious person, is a well-chosen library, somewhere among us, of three or four hundred thousand books. Where is such a one to be collected? How is it to be done? Who is to do it? Of the hundred and fifty colleges, more or less, distributed over the country, one has a library of perhaps fifty thousand volumes; others have good ones, though less; others smaller, and smaller, down to scarcely anything. With one voice they unite, teacher and pupil, with every scholar and thinker, in proclaiming

the want of more. But where are they to come from? No State is likely to lay a tax to create a college library, or a city library. No death-bed gift of the rich can be expected to do it. How, then, is this one grand want of learning to be relieved? It can be done by you, and by you only. By a providential occurrence, it is not only placed within your constitutional power, but it has become your duty; you have pledged your faith; you have engaged to the dead and living that, without the charge of one dollar on the people, you, you will meet the universal and urgent demand by the precise and adequate supply. By such a library as you can collect here something will be done, much will be done, to help every college, every school, every studious man, every writer and thinker in the country to just what is wanted most. Inquirers after truth may come here and search for it. It will do no harm at all to pass a few studious weeks among these scenes. Having pushed their investigations as far as they may at home, and ascertained just what, and how much more, of helps they require, let them come hither and find it. Let them replenish themselves, and then go back and make distribution among their pupils; ay, through the thousand channels, and by the thousand voices of the press, let them make distribution among the people! Let it be so that—

> "Hither as to their fountains other stars
> Repairing, in their golden urns, draw light."

I have no objection at all—I should rejoice rather—to see the literary representatives of an instructed people come hither, not merely for the larger legislation and jurisprudence, but for the rarer and higher knowledge. I am quite willing, not only that our "Amphyctionic Council" should sit here, but that it should find itself among some such scenes and influences as surrounded that old renowned assembly; the fountain of purer waters than those of Castalia; the temple and the oracle of our Apollo! It will do good to have your educated men come to Washington for what has heretofore cost voyages to Germany. They will be of all the parts of the country. They will become acquainted with each other. They will contract friendships and mutual regards. They will go away not only better scholars, but better unionists. Some one has said that a great library moulds all minds into one republic. It might, in a sense of which he little dreamed, help to keep ours together.

I have intimated, Mr. President, a doubt whether a college

or university of any description, even the highest, should be at present established here. But let it be considered by the enlightened friends of that object, if such there are, that even if your single purpose were to create such a university, you could possibly begin in no way so judiciously as by collecting a great library. Useful in the other modes which I have indicated, to a university it is everything. It is as needful as the soul to the body. While you are doubting, then, what to do, what you will have, you can do nothing so properly as to begin to be accumulating the books which you will require on whatever permanent plan of application you at last determine.

I do not expect to hear it said in this assembly that this expenditure for a library will benefit a few only, not the mass; that it is exclusive and of the nature of monopoly. It is to be remembered that this fund is a gift; that we take it just as it is given; and that by its terms it must be disbursed here. Any possible administration of it, therefore, is exposed to the cavil that all cannot directly, and literally, and equally partake of it. How many and of what classes of youth from Louisiana, or Illinois, or New England, for example, can attend the lectures of your professor of astronomy? But I say it is a positive and important argument for the mode of application which I urge, that it is so diffusive. Think of the large absolute numbers of those who, in the succession of years, will come and partake directly of these stores of truth and knowledge! Think of the numbers without number who, through them, who by them indirectly, will partake of the same stores! Studious men will come to learn to speak and write to and for the growing millions of a generally educated community. They will learn that they may communicate. They cannot hoard if they would, and they would not if they could. They take in trust to distribute; and every motive of ambition, of interest, of duty, will compel them to distribute. They buy in gross, to sell by retail. The lights which they kindle here will not be set under a bushel, but will burn on a thousand hills. No, sir; a rich and public library is no anti-republican monopoly. Who was the old Egyptian king that inscribed on his library the words—the dispensary of the soul? You might quite as well inscribe on it—armory, and light, and fountain of liberty!

It may possibly be inquired what account I make of the library of Congress. I answer, that I think it already quite good and improving; but that its existence constitutes no sort of argument against the formation of such a one as I

recommend. In the theory of it, that library is collected merely to furnish Congress and the Government with the means of doing their official business. In its theory it must be, in some sort, a professional library; and the expenditure we now make—five thousand dollars in a year, or, as last year, two thousand and five hundred—can never carry it up to the rank and enable it to fulfill the functions of a truly great and general public library of science, literature, and art. The value of books which could be added under the appropriations of the last year, cannot greatly exceed twenty-two hundred dollars. Doubtless, however, in the course of forming the two, it would be expedient and inevitable to procure to a great extent different books for each.

I do not think, Mr. President, that I am more inclined than another to covet enviously anything which the older civilization of Europe possesses which we do not. I do not suppose that I desire, any more than you, or than any of you, to introduce here those vast inequalities of fortune, that elaborate luxury, that fantastic and extreme refinement. But I acknowledge a pang of envy and grief that there should be one drop or one morsel more of the bread or water of intellectual life tasted by the European than by the American mind. Why should not the soul of this country eat as good food and as much of it as the soul of Europe? Why should a German or an Englishman sit down to a repast of five hundred thousand books, and an American scholar, who loves truth as well as he, be put on something less than half allowance? Can we not trust ourselves with so much of so good a thing? Will our digestion be impaired by it? Are we afraid that the stimulated and fervid faculties of this young nation will be oppressed and overlaid? Because we have liberty which other nations have not, shall we reject the knowledge which they have and which we have not? Or will you not rather say, that, because we are free, therefore will we add to our freedom that deep learning and that diffused culture which are its grace and its defense?

He concluded by moving the following amendment:

Strike out the eighth section and insert

SEC. 8. And whereas an ample and well selected public library constitutes one of the permanent, constant, and effectual means of increasing and diffusing knowledge among men; therefore

Be it further enacted, That a sum not less than $20,000 be annually expended, of the interest of the fund aforesaid, in the purchase of books and manuscripts for the formation of a library of the institution aforesaid, which, for its extent, variety, and value, shall be worthy of the donor of the said fund, and of this nation, and of the age.

Mr. TAPPAN next addressed the Senate, but in so low a tone of voice that only detached sentences of his remarks could be heard in the gallery. He was understood to argue that there was no necessity for striking out the eighth section, or materially altering the bill, as it was not incompatible with its provisions to engraft upon it a modification of the proposition submitted by the Senator from Massachusetts. If a library on a liberal scale, such as the Senator desired, was deemed proper, it would be only necessary to add a section to that effect to the bill, striking out so much of the first section as relates to the same subject. But he did not concur with the Senator from Massachusetts that a vast and costly miscellaneous library would meet the objects contemplated by the donor with this munificent fund. In addition to the general terms of his expressed will, that this fund should be applied to the "increase and diffusion of knowledge among men," it was proper to inquire into the manner in which he himself conceived this was best to be accomplished; and in this inquiry whatever instruction could be gleaned from his own habits and pursuits should not be disregarded, in the absence of other lights. Mr. Smithson was an eminent practical philosopher, intimately acquainted with the practical sciences—such as chemistry, mineralogy, geology, and natural history—to the minute study of which he mainly devoted his life. His favorite resort was the *Jardin des Plantes* at Paris, an institution in which he found congregated al the elements furnished by art, nature, and science, for pur suits congenial to his own mind. There could be little doubt that, in making this bequest to the United States, he had in view the establishment of some such institution as the *Jardin des Plantes* in the western hemisphere. On this reasonable supposition the present bill was framed; and to show that it conformed closely to that design he requested a description of that institution, which he sent to the table, would be read.

The description was accordingly read, but being imperfectly heard the substance only is here given:

Jardin Royal des Plantes ou Jardin du Roi.—This institution owes its origin to Guy de la Brosse, physician to Louis XIII. Richelieu, Sequier, and Bullion, intendants of finance enabled him to found a botanic garden, and to lay down the plan, which his successors carried to perfection. This germ grew to maturity during the reigns of Louis XIV and XV; and the other departments owed their excellence of arrangement to the celebrated Buffon during his superintendence. His studies embraced all nature, and he collected his mate-

rials from every portion of the globe. Since his time, Dauberton completed the whole plan, and raised the establishment to the highest degree of perfection.

Distinguished professors exercise their talents in gratuitous lectures on mineralogy, geology, general chemistry, botany, agriculture, natural history, the anatomy of man and animals, and iconography.

The building contains a copious library of works of natural history, fine collections of preserved animal specimens, vegetables, minerals, complete herbaries, drawings of extraordinary merit, and a garden judiciously and tastefully laid out, in which is combined the cultivation of indigenous productions with that of exotic plants. The productions of every region of the globe are preserved in extensive hothouses. There is a menagerie, a superb botanical garden, a splendid amphitheatre for lectures, and spacious cabinet of curiosities. Everything is open to the public gratuitously.

Mr. T., in continuation, expatiated at considerable length upon the merits of the bill; and in proof that its provisions were calculated to meet the wishes and intentions of the donor of the munificent fund now the object of consideration. He doubted the utility of such an extensive and costly library as had been suggested by the Senator from Massachusetts; he doubted the possibility of laying out usefully and advantageously $20,000 a year—or even more than four or five thousand dollars a year—in the purchase of books. It would be impossible to make such a vast collection of books as $500,000 would purchase, without including cart loads—nay ship loads—of trash, not worth in reality the cost of transport. There was the library of Congress, to the increase of which $5,000 was annually appropriated, and it was well known that this sum enabled the committee to procure everything coming out in print worth procuring. Yet, in this library, small in comparison to any of those foreign libraries alluded to by the Senator, he protested there was more than half the books that he would not take a gift of for the cost of transportation to Ohio. In conclusion he saw no necessity for striking out the eighth section of the bill. If the Senate approved of a more liberal provision for the library, an additional section could be put after the eighth section, and the necessary alteration could be made in the first section.

Mr. Woodbury did not rise for any purpose of opposition, but to suggest a course that would probably result in harmonizing the propositions of the Senators from Ohio and Massachusetts. He thought if the bill was recommitted to

the Committee on the Library, it would receive more attention than it was possible to bestow upon it when there before, in consequence of the absence of some of its members; and he had no doubt the propriety of providing for the establishment of a complete library on a liberal scale—he would not say to the extent of purchases amounting annually to twenty thousand, fifteen thousand, or ten thousand dollars, but to an extent commensurate with the wants of science and the arts in this country at present, to be hereafter enlarged as might be found necessary. He should be sorry to see the eighth section of the bill stricken out, for he thought there were important provisions in it which ought to be retained. The professors, and everything going to the principle of having a college or school connected with the institution, should be dispensed with, but the plan of employing eminent lecturers should be retained. These lecturers could very well perform all the experiments required by the bill of professors. If lecturers of great attainments, even from Europe were deemed necessary, they could be procured and paid liberally. The donor of this fund was too well informed not to know that in this country the most ample provisions in school lands had been made for elementary education, and that this fund was at least equal to a stock yielding a million and a half of dollars annually for purposes of education. His intention doubtless was to devote his bequest to that increase and diffusion of knowledge among men which was not to be attained at existing institutions of learning in this country; and it was obvious this intention could be best accomplished by a harmonious blending of the propositions of the two Senators, properly modified. There was, however, one part of the plan he strongly objected to as unnecessary; it was that relating to the establishment of a salaried board of managers. The whole thing of balloting in Congress for this board of managers was objectionable, and would lead to loss of time and other inconveniences; besides, the persons so chosen might be the most unfit. There was no occasion whatever for that description of management. A National Institute was already in existence in the capital of the government, created by Congress, and the objects of which were peculiarly appropriate to those of the trust now under consideration. The officers of this institute are the *ex officio* officers of the government itself, the scientific residents of the city, and the most eminent professors of many of the learned institutions of the country. These are all gentlemen of high attainments and character, to whom the pursuit of knowledge and its diffu-

sion are labors of love, for which they seek no pecuniary reward. To that Institute this trust should be confided. He hoped, therefore, that in remodeling the bill, the committee would allow this matter its due weight and consideration.

Mr. TAPPAN saw no necessity for recommitting the bill to the Committee on the Library or any other committee. The Senate could, without striking out the eighth section, amend it, and incorporate such modification as might approve of the proposition made by the Senator from Massachusetts.

Mr. PEARCE suggested the propriety of postponing the further consideration of the bill till to-morrow, by which time gentlemen might make up their minds as to the necessity of remodelling the bill.

SENATE, *January* 9, 1845.

The unfinished business from yesterday was the bill providing for the establishment of the Smithsonian Institution, the consideration of which was accordingly resumed, as in committee of the whole.

Mr. TAPPAN inquired what was the pending motion.

The CHAIR said it was to recommit the bill.

Mr. WOODBURY said, that in compliance with the desire of the Senators who took part in the discussion of yesterday, he would for the present, withdraw his motion to recommit.

Mr. CHOATE also withdrew his motion of amendment, pending at the time the Senator from New Hampshire moved to recommit the bill.

Mr. C. then moved to strike out the proviso in the first section of the bill, which runs thus:

Provided, That the books to be purchased for said institution shall consist of works on science and the arts, especially such as relate to the ordinary business of life, and to the various mechanical and other improvements and discoveries which may be made.

His object was to avoid a premature decision on the point at issue as to the plan of a general library, or a special one limited to works on physical science. By striking out the proviso, the Senate would not commit itself—the question as to the nature of the library being reserved for amendment to another section of the bill.

Mr. TAPPAN considered the motion to strike out the proviso must produce a test vote on the very point; and if that

test was desired, it might as well be taken on it as on any other amendment.

He argued that a library limited to the works on sciences and the arts, specified in the proviso, would be the only suitable and appropriate library for the institution. There was no necessity for another general library in the city of Washington, where the government had already the library of Congress, the libraries of the State, War, Navy and other public departments, annually augmented by means of large appropriations.

Mr. WOODBURY, before the question of striking out the proviso was taken, wished to offer an amendment which might render it more acceptable. He moved the substitute for the words "consist of," the words "among others, include;" which would take away the imperative injunction to purchase none but books on science and the arts.

Mr. CRITTENDEN was about to suggest some such modification. He thought the proviso might be modified so as to read, "That in the purchase of books, it shall be a principal object to obtain works," &c., following on with the words of the original.

Mr. TAPPAN said the Senator's object would be attained by substituting for the words "consist of," the words principally be."

Mr. CRITTENDEN said that would not exactly convey his idea.

Mr. PEARCE preferred striking out the proviso altogether. If he understood the object aimed at by the Senator from Massachusetts, it was to make the interest of this munificent bequest accomplish the injunction of the donor, by such an increase and diffusion of knowledge among men as a complete national library, worthy of him and this country would undoubtedly insure. The library of Congress, though no larger than the private collections of many private gentlemen in Europe, had been thirty years collecting, and now numbered only 40,000 volumes. The library of the British Museum consists of 200,000 volumes; yet, by a recent report, it appears that £100,000 is required to render it complete. The libraries of the government alluded to by the Senator from Ohio, are indispensable to the departments, as is that of Congress to the Capitol: they cannot with due regard to the interests of national legislation, be transferred for public use as a national library. By carrying out the suggestion of the Senator from Massachusetts, a great national library, worthy of the country and the donor of this fund, may be established.

The question was taken on Mr. Woodbury's amendment, and it was rejected.

Mr. CRITTENDEN now moved his amendment, (before stated.)

Mr. CHOATE thought it equally objectionable; its tendency would be to prompt the managers to the selection alone of the description of works in some measure prescribed. He would infinitely prefer the postponement of this question of limitation till an amendment to the eighth section, which he had in view, should come up. He hoped the simple motion to strike out the proviso would prevail.

Mr. CRITTENDEN withdrew his motion.

After a few remarks from Mr. Tappan in favor of retaining the proviso,

The question was taken on the motion of Mr. Choate, and the proviso was stricken out.

Mr. CHOATE now moved to insert in the fifth section, which enumerates the duties of the superintendent, so much of the succeeding sections as the following words contain: "And he (the superintendent) shall make experiments to determine the utility and advantage of new modes and instruments of culture; to determine whether new fruits, plants, and vegetables may be cultivated to advantage in the United States; and all such fruits, plants, seeds, and vegetables as shall be found useful, and adapted to any of our soils and climate, shall be distributed among the people of the Union." This would meet the wishes of the Senator from Ohio, so far as regarded the professor of agriculture and horticulture. It was his design to move afterwards to strike out the 7th section, which provides for a corps of professors, and to offer a substitute.

Mr. TAPPAN thought there were other professors equally indispensable—such as one on chemistry and one on astronomy. If a professor of astronomy were attached to the institution, the observatory could be confided to its care, and the very valuable instruments it contains would afford facilities for the study of that branch of science at the capital not to be obtained elsewhere in the Union. Chemistry was also intimately connected with the objects of the institution.

Mr. CHOATE said discussion on these points would come up on a future motion he should make.

The question was then taken and the amendment adopted.

Mr. CHOATE now moved to strike out the 7th section, and to insert in lieu of it the following:

Section 7, strike out all after the enacting clause, and insert, "That the board of managers shall employ competent persons to deliver lectures, or

courses of lectures, in the institution, upon literature, science, and art, and the application of science and art, during the sessions of Congress; to make regulations respecting attendance thereon; to fix the rates of compensation therefor; and to prescribe from time to time, the subjects of such lectures, having regard to the character of the audience before whom they are delivered, and the intent of the donor—that is to say, the increase and diffusion of knowledge among men.

The amendment was adopted.

Mr. CHOATE next moved to strike out the 8th section, and to substitute the following:

SEC. 8. And whereas an ample and well-selected public library constitutes one of the most permanent, constant, and effectual means of increasing and diffusing knowledge among men; therefore

Be it further enacted, That an annual expenditure, be made from the interest of the fund aforesaid, under the direction of the said managers, on the purchase of books and manuscripts for the formation of a library of the institution aforesaid, which, for its extent, variety, and value, shall be worthy of the donor of the said fund, and of this nation and of the age.

Mr. CRITTENDEN moved to add to it a proviso that, in the purchase of books for said institution, it should be regarded as a principal object to purchase works on science and the arts, especially such as relate to the ordinary business of life, and to the various mechanical and other improvements and discoveries which may be made.

Mr. CHOATE argued that this limitation was not only unnecessary, but would most certainly prove injurious. It was unnecessary, because no national library, such as he contemplated, and such as he hoped the Senate would authorize, could be made complete without every one of the works on science and the arts which the Senators for Ohio and Kentucky could possibly desire. The proviso would operate injuriously, by raising a constitutional question of disputation among the managers as to the quantity of money to be applied to this special description of books, and to general literature. If it was stated that, out of a given sum, two-thirds should be devoted to these books, and one-third to other books, they could easily agree; but indefinitely directing a preference, would be to limit exceedingly in effect the portion to be devoted to works of general literature.

This point was debated at great length by Messrs. Crittenden, Choate, and Woodbury: Mr. Choate being opposed to any proviso, and Messrs. Crittenden and Woodbury in favor of one sufficiently explanatory to show a preference for the works indicated, without putting an undue restriction on the purchase of all other books suitable to a general library.

Mr. RIVES said he should feel very great repugnance to any provision in this bill which should assume to recognize any important distinction between the different branches of

human knowledge. The general object of this bequest—of which we are constituted the trustee—is described to be the "increase and diffusion of knowledge among men." Now, if we were to have a library at all to carry out this great object, it really seemed to him that that library ought to be coextensive with the limits of human knowledge. Some of his honorable friends on both sides of the House, had dropped observations in the course of this debate—and he had heard them with surprise—which would seem to imply that moral science is not knowledge, and that nothing but what are regarded as the natural sciences—astronomy, mathematics, and others of that class—is knowledge. The great field of modern inquiry relating to the moral and political sciences is not to be considered at all as a branch of human knowledge! Was this so? And was this the country, or this the age, in which we were to recognize such a doctrine? It did seem to him that the most important of all the branches of human knowledge is that which relates to the moral and political relations of man. It is intimately connected with the rights, and duties, and privileges of citizens, whether in public or in private life. How would gentlemen designate that great branch of human science, which is of very modern origin, and even now in its infancy—political economy? Is it not a most important part of human knowledge? And are the legislators of this country, who are so deeply concerned in the destinies and progressive civilization of the human race, to regard the science of government and legislation as no part of human knowledge? It really seemed to him that, as representatives of the American people, they could recognize no such distinction. We have been told from high classical authority that "the proper study of mankind is man;" but here the idea upon which the original form of this bill seemed to stand was, that the proper study of mankind is that of animals, exotics, and plants only—not including at all the great moral and civil relations of man. Now, he took it upon himself to say that, if gentlemen would survey the field of moral science, they would find that it embraced a much larger portion of knowledge than the physical sciences, however important they may be.

The honorable and venerable member from Ohio, as he had been styled, [Mr. Tappan,] based his leading arguments upon the necessity of making that institution a counterpart of the *Jardin des Plantes*, in Paris, where there were great collections of material elucidating natural history; but let him tell the honorable Senator that that institution was sustained at a very great expense, and yet it afforded but a very

limited source of improvement for the increase and diffusion of knowledge in its liberal sense. Was there no other institution in Paris than the *Jardin des Plantes*, which could be taken as a model? He would refer the honorable Senator to another institution, and one which would better fulfill the design of the bequest. Look at the wide and comprehensive body of instruction delivered at the Sorbonne, (the *Faculté des Lettres et Sciences*,) under the auspices of the University of France, the great fountain of knowledge to which all enlightened strangers repair, and drink in copious libations of philosophical and practical learning. He was not conversant with Mr. Smithson's peculiar tastes or habits; but if he (Mr. S.) was the man of liberal and general inquiry that he believed him to have been, he would venture to assert that his resort was as much to the Sorbonne as to the *Jardin des Plantes*. And what would he hear there? Would he not hear lectures on the sciences of history, moral philosophy, and government, as well as physics, and mathematics? The present minister of France, M. Guizot, had been, if he mistook not, a lecturer on history—ancient and modern history, comprehending all the phases of human society—in this institution. Others had become known there to the world as much as lecturers, as ministers of state, worthy of being entrusted with the destinies of nations and mankind.

He would beg leave to ask the gentlemen who had charge of this great subject, in looking for a model, to look at such an institution as the *Faculté des Lettres et Sciences* at the Sorbonne, rather than at a special institution like the *Jardin des Plantes*. He had no disposition to depreciate the value of the physical sciences; but he insisted upon it, that the moral and political sciences were equally important, and, if any distinction was to be drawn, more important. At a very early period of his life, he was struck with a graphic remark make by the great commentator on English law, in illustrating the fitness of associating a professorship of law with the University of Oxford—and his honorable friend from Kentucky [Mr. Crittenden] no doubt well recollected the passage—that "the sciences are of a sociable disposition, and flourish best in the neighborhood of each other." He would make no distinction. He must be permitted to say, that he thought the Senate had already decided the question in regard to the extension of this library, by striking out the proviso of the first section, and the whole of the eighth section, which provides for professors on the subject of natural sciences only.

He saw no reason for any distinction between the moral and physical sciences. If such a library as was contemplated by the honorable Senator from Massachusetts was established, there would be no danger of the physical sciences being slighted; but he hoped that these great moral and political sciences, which so intimately concern the temporal and eternal destinies of man, would have their appropriate space in this great receptacle of human knowledge.

He had been led to these remarks because his firm and solemn conviction was, that we now have it in our power to do more good to this nation in our day and generation, by a judicious and wise application of this five hundred thousand dollars, which has been put into our hands, than by the application of the twenty-five or thirty millions we are in the habit of annually appropriating.

He was glad that it was the sense of the Senate that this subject should go back to the committee, to be matured and deliberately acted upon, and that there was to be brought forward a plan of some great and noble foundation, which would realize, to the fullest extent, the magnificent conception which suggested this donation. He was opposed to any limitations, he was opposed to any distinctions between the great branches of human knowledge. In the *republic* of letters all stood upon a platform of equality; and if we have a library at all, it should be co-extensive with the limits of human knowledge, and with the design of the donor —"the increase and diffusion of knowledge (of *all* sound knowledge) among men."

Mr. Phelps suggested a modification of the amendment proposed by the Senator from Kentucky. It was to shape his proviso so as to say "That, in the selection of such books as were necessary to form a complete library, due regard should be had to works of science," &c.

Mr. Crittenden accepted the modification.

Mr. Bates protested against any proviso which would limit the selection. It was wholly unnecessary, because no great national library could be complete without the very works alluded to.

Mr. Niles did not think it came within the purpose of the donation to establish a great national library. If the donor thought that the best way of increasing and diffusing knowledge among men, he would have enjoined the establishment of such a library. He was in favor of a prudent limitation with regard to that branch of the institution, and should therefore submit a motion to that effect.

The question was then taken on Mr. Crittenden's amendment, as modified, and it was rejected—ayes 15, noes 21.

Mr. NILES now moved to amend the amendment, by limiting the purchase of books to $5,000 annually.

Mr. BUCHANAN inquired if $5,000 a year was to build up a library worthy of the donor, this nation, and this age?

The amendment was rejected.

The question now reverted on Mr. Choate's amendment, and it was adopted.

Mr. TAPPAN, before the motion to recommit was made, wished to test the sense of the Senate as to his original plan of adding some of the interest to the principal so as to make the fund $600,000. He therefore moved to amend the first section by adding $91,682 out of the interest due, to the original fund, so that the investment should be $600,000.

Mr. CHOATE objected to this as, in effect, cutting off the means for establishing a national library. The buildings for the institution, the enclosures of ground, and the purchase of objects of natural history, would possibly consume so much of the residue of interest as to leave little or none for founding the library, or erecting a suitable building for one. It might take from $150,000 to $200,000 for all these; but till details and estimates were properly investigated, it would not, in any case, be prudent to divert the management of this accumulated interest.

Mr. BUCHANAN thought it was desirable, if it could be done without defeating the objects intended, to increase the capital by this addition of a part of the interest.

Mr. TAPPAN put his motion in a definite form.

Mr. SIMMONS argued that, until some plan was agreed upon as to the manner of carrying out the intention of the donor, it would be highly imprudent to make a permanent investment of means that might be wanted in the accomplishment of the object.

Mr. TAPPAN urged that $117,000 of the interest would remain, which could be as much as the managers would lay out with advantage in the first year; and for the second, they would have $36,000 on the $600,000. The $6,000 would cover the expenses of lectures and experiments, leaving annually $30,000 for collecting a library, and the other purposes required of the management.

The amendment was rejected.

Mr. MOREHEAD suggested a renewal of the amendment, making the addition $41,682, instead of $91,862, so that the

capital fund would be $550,000, bearing an interest of $33,-000 a year.

After some conversational discussion on this point, it was agreed to let the proposition go, with the offered amendments, to the committee; and

On the motion of Mr. WOODBURY, the bill and amendments were recommitted to the Committee on the Library.

SENATE, *January* 16, 1845.

Mr. TAPPAN, from the Committee on the Library, reported the bill (S. No. 18) with an amendment; which was ordered to be printed.

SENATE, *January* 21, 1845.

On motion of Mr. TAPPAN, the previous orders were postponed, with a view of taking up the bill for the establishment of the Smithsonian Institution.

The bill was accordingly taken up for further consideration as in Committee of the Whole, the question being on adopting the substitute reported from the Committee on the Library, to whom had been recommitted the original bill for the purpose of having it remodeled.

This substitute provides, as the original bill did, for the investment of the principal sum received under the bequest, in the Treasury of the United States, at six per cent. interest from the date of its reception; and for placing at the disposal of the managers the accumulated and accruing interest for the purpose of carrying out the design of the donor—the increase and diffusion of knowledge among men. The outlay of the accumulated interest is to be, as directed in the first bill, upon all necessary buildings, enclosures, purchases, and application of the grounds appropriated out of the property of the United States in the Mall, heretofore described, for the objects of the institution; the business of the institution to be conducted by a board of managers, consisting of the Vice-President of the United States, the Chief Justice of the Supreme Court, while in office, three members of the Senate, three members of the House of Representatives, and seven other persons, not members of Congress, two of whom shall be members of the National Institute in the city of Washington, and resident in said city; the other five to be inhabitants of the States, no two from the same State. The three members of the Senate to be appointed by the presiding officer of the Senate; and the three members of the House by the Speaker of the House. In each House the respective mem-

bers, so chosen, to be a standing committee on the Smithsonian Institution, and, together, a joint committee.

These appointments to be made on every fourth Wednesday of December, to serve for one year; vacancies to be filled as they are in the regular committees. The other seven members to serve for two years, to be chosen by joint resolution of Congress every alternate fourth Wednesday of December; vacancies to be filled in like manner whenever they occur. The managers to meet on the first Monday in May next, and fix the times of regular meetings of the board. On any application of three members, the superintendent shall call a meeting of the board by letter to each member—five constituting a quorum. Each member of the board to be paid his necessary traveling and other actual expenses in attending meetings; which shall be audited and recorded by the superintendent.

Whenever money is required for the purposes of the institution, the superintendent, or managers, or any three, may certify to the president of the board that it is so required; whereupon he shall submit the requisition to a committee of three managers appointed for the purpose of regulating the expenditures, for examination and approval; and, upon their examination and approval, the president of the board shall certify the same to the proper officer of the Treasury as authority for the payment. The board to make all needful rules, regulations, and by-laws for the government of the institution, and the persons employed therein; and shall submit to Congress, at each session, a report of the operations, expenditures, and condition of the institution. The bill then details the duties of the board in commencing operations. Among the buildings is to be one for the reception of an extensive library, equal to the first-class of libraries in the world. When the necessary buildings are erected, all objects of natural history, plants, and geological and mineralogical specimens, belonging to the United States, in Washington or elsewhere, to be delivered to the institution, where they shall be arranged in such order and so classed as best to facilitate the examination and study of them; new acquisitions of the institution to be classed and arranged in like manner. The personal effects of Mr. Smithson to be kept apart and preserved separate from other property of the institution. The managers to appoint the superintendent of the institution, who is to be secretary to the board, and professor of agriculture, horticulture, and rural economy; and he may, with the approbation of the board, employ such gardeners, agriculturists, and labor-

ers as may be required for the institution. He is to make experiments to determine the utility and advantage of new modes and instruments of culture, and whether new fruits, plants, and vegetables may be cultivated to advantage in the United States; and those which shall prove worthy of adoption, shall be distributed among the people of the Union. The superintendent to be paid such salary as the board may think proper; and the board may remove him and appoint another in his place, whenever the interest of the institution may require it. The board is also to employ competent persons to deliver lectures, or courses of lectures, in the institution, upon literature, science, and art, and on the application of science to art, during the sessions of Congress, commencing next session; to make regulations respecting attendance thereon; to fix the rules of compensation therefor; and to prescribe, from time to time, the subjects of lectures, having regard to the character of the audience before whom they are delivered, and the intent of the donor—the increase and diffusion of knowledge among men: Provided the entire expenditure for lectures shall not exceed $5,000 a year. The managers may, at their discretion, cause these lectures, or such of them as they desire, to be printed and sold at the cost of publication. An annual expenditure of not less than $20,000 out of the interest of the fund is authorized to be made in the purchase of books and manuscripts for the library of the institution, which library is to comprehend in due proportion, without preference or exclusion of any branch of knowledge, works pertaining to all the departments of human knowledge, as well as physical science, and the application of science to the arts of life, as all other science, philosophy, history, literature, and art; and for its extent, variety, and value, said library shall be worthy of the donor of the fund, and of this nation and the age. The managers to employ a librarian and assistants, and to fix their salaries; also to prescribe the regulations under which the library shall be kept, visited and used. In conclusion, the bill appoints the seven managers not *ex officio* members, as follows:

Jared P. Kirtland of Ohio, Richard Henry Wilde of Louisiana, George Tucker of Virginia, George Bancroft of Massachusetts, Henry King of Missouri, and Joseph G. Totten and Alexander Dallas Bache, members of the National Institute, and resident in Washington, as the seven members who, by the second section, would be appointed by Congress. The right of altering, amending, adding to, or

repealing the act is reserved to Congress, *provided* that no contract or individual right made or acquired under its provisions be divested or impaired.

On motions of Messrs. TAPPAN and CHOATE, two misprints in the new bill were amended.

Mr. WOODBURY remarked that most of the amendments which he had submitted on a former day to be printed, had been rendered unnecessary by the changes since made in the bill by the Library Committee. But there was one defect still left in the board of managers, as he viewed the subject, and which it was desirable to have removed. He was fully sensible that any attempt to alter a bill which has twice received the deliberate consideration of a committee of this body, was almost hopeless. But the subject was a novel one to us all. It was, also, not a measure of ordinary legislation, affecting the rights and property of our constituents, but the discharge of an important trust in behalf of a foreign philanthropist, and where we ought to move slowly in our deliberations, and rather confer, converse, and consult, as a real committee of the whole, instead of debate like partisans. He would, therefore, take the liberty to suggest that the board of management now proposed was imperfect in two respects. It did not contain persons enough resident at the place where their duties must be performed, and was so constituted as to be likely to render the elections of them by the two Houses on some occasions difficult, and open to improper influences.

There would be no objection to the Vice-President and Chief Justice as members of the board, on account of the character of the present incumbents; but neither of them lived here, nor did any of the six members of Congress proposed to be appointed—nor any except two of the other managers to be selected at large. Now as no compensation was to be given as salary or a per diem—it must be obvious that seldom would any one attend to the business, unless residing on the spot. For, though some would be here at times officially, yet we all know that it was under a pressure of other engagements likely to prevent a close attention to this trust.

What Mr. W. wished to propose instead of this, was the officers of the National Institute—most of whom lived in this city, and five or six of whom consisted ex-officio of the President and his cabinet, as a public check—equal to that of the Vice-President and Chief Justice, and superior in position, as always on the spot.

This plan had the approbation of a former library com-

mittee about two years ago; and he held in his hand a bill to that effect, not acted on for want of time, and reported by a distinguished South Carolinian, now in retirement, [Mr. Preston.]

He hoped, on reflection, it would again be found acceptable to a majority of the committee and the Senate; especially when aided by some additional provisions, which he would suggest.

In order to let others at large participate, if they pleased, and had leisure, he proposed to unite with the officers of the institute four persons from the different sections of the Union; and, to render the supervision of Congress as strong and effective as is proposed by the bill, to devolve that duty on the Library Committee—a committee already organized and talented, and peculiarly fitted, in some respects, for matters of this character.

In order, likewise, to avoid the delay and difficulties of elections by the two Houses, he proposed to have this same committee of Congress select the four members at large. The amendment he was about to propose was intended to accomplish not only these two general changes in the mode of electing, and in more convenient residence of most of the board, without any loss of fitness in station and pursuit, and without being any less under the immediate control of Congress and its committee; but to increase that control by placing all their doings, and especially the mode of drawing money from the Treasury, under increased securities, to be prescribed from time to time by the Library Committee. As the bill stood now, an account must be opened with every individual dealt with or paid; and no bonds or security were required in any case. Mr. W. wished to clothe the committee of Congress with authority to remedy these defects, and not only make the whole board of management subject to the acts of Congress and its directions given from time to time; but subject also to the constant scrutiny of the standing committee of Congress in both Houses. And so far from conferring salaries or donations on the board or on the institute, he would not give a dollar to either, except to defray actual expenses incurred in the discharge of the trust; and not allow either to draw a cent from the Treasury except in the manner and under the security which shall be prescribed by that standing committee of the two Houses.

With these explanations, he submitted the amendment he would now read:

To strike out those portions of the new bill providing ›r the constitution of a board of managers, and insert:

"The National Institute, through its officers, not to exceed their present umber, and associate with them four other scientific gentlemen, from dif- ›rent portions of the Union, to be selected by the Joint Committee on the ibrary; and said committee to exercise, from time to time, a supervision ıd control over this board, in behalf of Congress, and see that its directions, ; expressed in this act, or in any future act, be duly carried into effect; ıd to prescribe safe rules to be adhered to in drawing from the Treasury ıd auditing all moneys whatever expended from the Smithsonian fund; ıd none of the said board, nor any of said committee, shall receive any ›mpensation for their personal services on this subject from the fund afore- .id, but be paid only their traveling expenses."

Mr. BUCHANAN would be very glad, if it could be accomplished, (and he thought at first it might be on this amend- ıent,) to get a test vote of the Senate on the question ʼhether Congress or the National Institute shall have the ıanagement and control of the Smithsonian Library. But ıe amendment contained some things not necessarily in- olved in that test, which might be advantageously consid- red. He could not move an amendment, or he would, so s to separate these things.

Mr. CHOATE said the amendment of the Senator from [ew Hampshire raised the precise question the Senator ·om Pennsylvania wished to have tested.

Mr. BUCHANAN looked upon it as a compound amend- ıent.

Mr. TAPPAN hoped the amendment would not prevail. ılthough the chairman of the Library Committee some ɜssions back, [Mr. Preston,] then a Senator from South ˈarolina, made a report accompanied by a bill, in conformity ʼith this amendment, it was with the express understand- ıg of the committee that not one member of it but him- ɜlf was in favor of that plan, or would sustain it.

Mr. CHOATE did not know that the amendment offered y the Senator from New Hampshire would not make a very ood board of management; indeed he felt nothing but re- ɔect in the highest degree for that Senator and his associates f the National Institute; as co-laborers in the advancement f science and the diffusion of knowledge among men, they ad already done a good deal. But he had ascertained, ırough various conferences in the Library Committee, that ıe Senator's proposition was not likely to meet that favor r support necessary to insure the success of the bill this ɜssion; on the contrary, that it would make enemies of ıany who would otherwise sustain the measure. Now, on ıis subject of constituting a board of managers—for the

committee attached great importance to it—he (Mr. C.) had given it his most anxious attention. It was the only part of the original bill to which much consideration was not given in the first instance. Since its recommittal the committee had had repeated conferences on this point, and the result has been that the plan laid down in the bill was unanimously adopted as a happy embodiment of the main principles of all former propositions, the difference of opinion in regard to which had heretofore impeded the action of Congress as to the disposition of the fund. He was prepared now to say, that unless there was some more palpable objection than had yet been made to the plan laid down in the bill, the support which it would insure could not fail of rendering the measure successful this session.

It might be necessary to say a word or two respecting the course pursued by the committee in making this arrangement. They went back to the records of all proceedings in Congress since the reception of the bequest, to ascertain the number and character of the various propositions suggested for its disposition; and having collected them all, the committee conceived they could not be mistaken in combining from the whole such general principles as would unite the greatest number of friends to the main object. Now he felt bound to say, that in this the committee had succeeded beyond his most sanguine expectations. They had not, as the Senator from New Hampshire seemed to suppose, made a complex, expensive, or impracticable, plan of machinery for the management of the institution; but, on the contrary, one pre-eminently likely to work well—economically, efficiently, and practically considered.

On reviewing all former propositions, the committee found that there were two or three things in which a large majority concurred—such as, that the Vice-President and Chief Justice of the United States should be, *ex officio*, members of the board, and that they should have associated with them one or two respectable resident members of the National Institute. It was found, also, that a suggestion came from Mr. Robbins of Rhode Island, that three members of the Senate and three of the House of Representatives should be made members of the board. Thus the committee had united whatever there was to recommend this proposition to those whose differences of opinion had heretofore impeded the action of Congress. They took for the *ex officio* members of the board the Vice-President and the Chief Justice of the United States. There could be no difficulty as to their appointment, for they are already

elected, and always, by virtue of their office, ready to act. The committee then provided that three members of the Senate should be named by the presiding officer in the same way that he named standing committees; and that three members of the House of Representatives, in like manner, should be appointed by the Speaker of the House. These six members would form a joint standing committee, and have charge of the institution in Congress; for the committee decided that Congress should hold in its own hands the control and supervision of the institution. Thus Congress would have the interests of the institution immediately represented on the floor of both Houses. In addition to those eight *ex officio* members of the board, there would be seven persons to be selected by Congress—two of them from the resident members of the National Institute, the remainder from different States of the Union. Hereafter, these seven are to be elected by joint resolution of Congress every two years. This would afford an opportunity of electing gentlemen distinguished as men of science and learning, who, from the respect entertained for them, would be able to enlist the most friends for the institution, and would have the best opportunities of making the citizens of the Union acquainted with its objects and advantages.

There was another consideration which he was sure would, upon reflection, have some weight with the Senator from New Hampshire, and, he hoped, induce him to forego his amendment. It was, that, in looking at the two propositions, with a view of ascertaining which was most republican, most democratic in principle, he would find that of the committee infinitely more so than his own. It was certainly anti-republican and anti-democratic to surrender all control of the people's representatives in respect to a trust especially committed to their custody, for the people's benefit, and place it in the hands of a close body, like the National Institute, wholly irresponsible to either Congress or the people—a body, the machinery and operations of which, so far as regarded the people, were shut out from their view, and to which they could of right have no access. On the other hand, the proposition of the committee recognized especially, and in a pre-eminent degree, the complete control and supervision of the people's representatives, and insured that publicity which could not fail of gaining public confidence in the management of the institution, and universal approbation as to the attainment of the purpose for which the bequest was made.

Mr. Woodbury expressed some surprise that his amendment should be attacked by the Senator from Massachusetts [Mr. Choate] as anti-republican or anti-democratic. Such an attack from that quarter was, in any view, extraordinary; but much more so, when, in this very bill, in another place, six of the members of his proposed board are recommended by him to be appointed, not by the two Houses of Congress or their committee, but three by the Speaker of one, and three by the President of the other, without any appeal.

But Mr. W. feared we were sliding into that species of political debate which, in a case like this, he deprecated. This was not a struggle for victory of a party or personal predilection, but to execute in the most fit and becoming manner a sacred trust which had been devolved on us from abroad rather than by our people.

Some gentlemen, who assail the proposed amendment inadvertently seem to suppose it is a contest whether Congress or the National Institute shall control the Smithson fund; whereas no such question exists. The same control is left in Congress, if the amendment is adopted, as is left in it by the bill as it now stands. Indeed, the amendment increases the reserved control of Congress in one particular through the constant supervision and check of the Library Committee of the two Houses which it provides for.

After the amendment is adopted, Congress can, at any moment, abolish or amend the whole board—can give to it any special instructions by resolution or act; and can, by its committee, give any directions, which by this very amendment are to be enforced by the board and institute, rather than either of them being made independent of Congress.

It seems, also, to be apprehended by some gentlemen, that the National Institute is to have a great donation of property, as well as power, by this amendment; when, in truth, no power is bestowed except conditionally, and which is not kept constantly under the control of Congress; and not a dollar of property, directly or indirectly, is given to the institute.

Indeed, no property is given to the institute or anybody else. The library, buildings, &c., all remain in Congress as trustee for the fund. The board of managers, including the institute, are mere executive or ministerial agents to carry out our directions, and own no more of the property itself, than the captain in the navy owns of the ship-of-war in his charge. It is rather a burden imposed on the board and institute—as they not only acquire no property, but

their services, which have so long and decidedly been given to letters and science without any pay, are all, by my amendment, to continue to be gratuitous.

The difficulty will be rather in getting gentlemen of suitable character to devote their time at all to this subject under these circumstances, than in preventing them from profiting in a pecuniary point of view. It is this apprehended difficulty which will, in part, be removed by taking more managers resident here, who can attend to the business in rotation or otherwise, at less inconvenience and loss than those from a distance.

Again: it is said that the form of a resolution in elections avoids any dispute. How so? Suppose that the gentleman named in the bill from Ohio was moved to be stricken out, and that of the member of the Library Committee from Ohio be substituted, [Mr. TAPPAN,] (as seemed to Mr. W. proper;) might it not give rise to debate as to their respective characters and fitness? So of every other member proposed, though all doubtless were very suitable men.

Other gentlemen seem to fear an abuse of the trust by these agents under the amendment, when the very object and terms of it are to increase the guards against abuse, through one of our own committees, and its supervision and regulations; and when the position of the institute and board under it, instead of being antagonist to Congress, or independent of it, is made to be in more entire subordination to it, and is hemmed around by stronger safeguards against any possible departure from its commands or wishes. He was anxious that, while the Smithson fund came from a stranger and abroad, rather than from among ourselves, and hence gave no cause for national pride or boasting, but rather was mortifying to our own backwardness in such an object, we should at least be vigilant over its use, remedy defects as to its efficiency—which we may by this amendment—and add something to our national character by the appropriate manner of managing the whole trust, though, unfortunately, we have had no lot nor part in creating it, or liberally adding to it.

Mr. BUCHANAN observed that he had but very few words to say on this subject. According to the will of the donor, this fund was to be distributed for the "increase and diffusion of knowledge among men." Considering our peculiar position in the District of Columbia, he (Mr. B.) had arrived at the conclusion that the best mode of distributing this fund was by the purchase of a great library. Indeed, he could imagine no other. If (said Mr. B.) you attempt to

establish a literary institution here, with the great expense attendant upon living in this District, and from other causes which I need not enumerate, this fund in its benefits would be confined to a very small portion of the people of this country. From the very nature of our Government, and the condition of the people of this country, we could never expect to erect in our day a library to compare with the great European libraries, except by the application of this fund to that purpose. It was impossible, everybody knew, for any of our citizens who proposed to write a history, or any other work that required an examination into ancient books and authorities, to do so without going to Europe for that purpose. Now, he believed that an extensive library in which all the means of human knowledge should be collected, and in which they should be equally open to all the citizens of this country, was the very best mode in which to apply the money so liberally bequeathed by Mr. Smithson for the "increase and diffusion of knowledge among men." He was clearly of that opinion; but he had no idea of making a speech upon the subject. The question now before the Senate resolved itself into a very simple proposition; and that was, Shall Congress retain and direct the immediate and efficient control of this fund, and of its application, or shall it be administered through the agency of the National Institute? That was the question; and on the decision of the question his own vote might depend. Now, he entertained all proper respect for the members of this institute, and he believed it had been already instrumental in diffusing knowledge among men; but he thought Congress was bound to keep the application of this fund distinct from that, or any other literary incorporated body. What was proposed by his honorable friend from New Hampshire [Mr. Woodbury] in the amendment under consideration? Why, to connect the National Institute with the Smithsonian library—to form a sort of partnership between the two. The National Institute is to hold its meetings in a room in the building to be erected for the use of the Smithsonian library. This was in the printed amendment, and would be the inevitable consequence of intrusting the management of this fund to that institute. In a great national institution like the Smithsonian library, calculated for the benefit of the whole people of the country, he desired to keep it clear, or detach it and keep it distinct from the National Institute, or any other literary corporation whatever. Congress ought to take upon itself the immediate

control of this library. It would never succeed, unless this course should be pursued.

For one, he was not acquainted with the rules of the National Institute, and he did not know in what manner the managers of that institute were elected; but the proposed amendment placed the direction and supervision of the library in the hands of managers not elected by Congress, not responsible to Congress, and over whom the people of this country, by their representatives, could have no control whatever. Congress was undoubtedly capable of administering this fund without the aid of the National Institute; and it was their duty to do so.

Without, therefore, troubling the Senate with any further observations, he should certainly go for separating the operations of this library from those of the National Institute; wishing and hoping that that institute might have all the success which he believed it so well deserved; and if it should be made a rival in disseminating knowledge among men with the library, well and good. The more knowledge communicated, the better for the people of this country. He, therefore, should vote against the amendment of the honorable Senator from New Hampshire, [Mr. WOODBURY,] and, although there were some provisions in the bill to which he might object, he would vote for it, nevertheless, should it remain substantially as it came from the Committee on the Library.

Mr. ALLEN said he should vote against this or any other proposition whatever, contemplating a connection of anything called an institution with the public Treasury of the country, in any form or shape. This title, "National Institute," sounded large, and at a distance was calculated to produce a great impression upon the public mind. What was it? Some years ago a few gentlemen of this city got together and concluded to form a literary and scientific association among themselves. Well, that thing has been done in every city, and in most of the villages and towns of the United States, from little debating societies composed of young men, up to literary associations composed of gray-headed men. All of these associations, of which there are so many in this country, were like that in the city of Washington, formed in the same way, and were mere voluntary associations of man with man. But this association in Washington city, finding a Capitol here and a public Treasury here, called itself a National Institute; and, in order to legalize its claim to that pompous title, it asked Congress to give it a corporate existence by a solemn

law. After they got associated in the public mind the idea of its *nationality*, they succeeded in getting a law passed giving it a legal existence and then they began to enter into the organization, and to claim a part in the administration of the Government. That institute came here with the very instinct of all corporations, to get its hands into the public Treasury of the country, by a process of induction. It proceeded with that modesty and imposing humility which characterize the movements of all corporations. It began by obtaining the temporary charge of objects of science belonging to the Government; and being intrusted with the custody of that part of the public property, which resulted from the exploring expedition, there was a motion made towards the public Treasury. Having proceeded so far, it proceeded a few years after, to ask Congress to pay it moneys out of the public Treasury; and for what? For its care of these very articles of public property, which, as a favor of the Government, it had asked to be intrusted with the care of.

The Senate, which sat here for its constituents, was nevertheless so unjust, in his judgment, as to tempt this corporation to its present advances by the fatal step of making for it a public office, and paying it $5,000 for the favor which the institution had asked, in the privilege of taking care of the articles resulting from the exploring expedition. He opposed that bill at the time it was upon its passage through the Senate; and he then said—what was now seen—that the attraction of this corporation was towards the public Treasury.

We are now intrusted with a fund of some half a million of dollars. It is intrusted to the care of the Congress of the United States; whether by the constitution or by Mr. Smithson, it is now immaterial. The money is obtained; and the question is decided that Mr. Smithson could extend the limits of the constitution by a request in his will, and place at the disposal of Congress moneys for objects which the constitution knows not. You got the money; it is now in the public Treasury, or ought to be; and was as much subject to the constitutional action of Congress as any other moneys of the Treasury; and for that action alone, and in the name of the Smithsonian Institution, this National Institute comes here to ask Congress to give it the exclusive administration of half a million of the public money. This could be answered by the general charge that no moneys ought to be drawn out of the public Treasury except by the appropriation of law, and that Congress has no

right to intrust the administration of the public funds to any functionary of this Government, much less to an irresponsible agent, unknown to the constitution of the United States, calling itself a National Institute. If we had a right, he would be opposed to this bill, for he could say that, within his reading and his observation, he had never known a single instance of a fund of money, charitable or otherwise, being intrusted to the care of an incorporated body of men, that was not squandered, and made to fall short of the object of the donor. It was the instinct of these machines called corporations; and it was impossible for it to be otherwise. Intrust this corporation with the administration of this fund, and it would be just as much throwing it away as to throw it into the mud-banks of the Potomac. All these corporations are filled with law—they are but the incorporation of laws; and never, without an exception, either in English history or ours, with regard to the administration by corporations, was there an instance where the corporation had not consumed the fund or squandered it away, and caused it to fall short of the object of the donor. The Girard folly in Philadelphia was an instance of this fact. There might be found thousands of instances in the reports made to the British Parliament by those charged with the investigation of these subjects; and in many instances, not only the income, but the principal was consumed in paying the administrators. It was always so. This society in Washington city, which calls itself a National Institution, has no more right to the direction or control of this fund than the Wistar Club in Philadelphia—an institution established there by an able physician of that name—or any literary society in the East or West, of which there were great numbers, as he had before stated.

It is said that this fund is to be applied in the District of Columbia. That very idea gave rise to the origin of the National Institute, he had no doubt. Here was a fund to be expended here; and of course there must be somebody to receive it, and what so handy as a corporation? What so convenient as to take into its hands a fund of money which has to be expended? What so convenient as a corporation got up for the purpose of receiving it? And what was better calculated to lead Congress into their object than to take the title of *national?* National! a word always dear to the American people—so dear that many an inn, tavern, and eating house, throughout the country, bore the title, and he believed there was an establishment somewhere in town here which bore upon its sign the *national*

eating house! Now, as to the formation of a society for the increase and diffusion of knowledge, that was well enough; but he did not want to see these things take a literary and scientific name for the purpose of thrusting their hands into the Treasury. He did not want to see corporations of men under high sounding titles, and professing beneficial objects, formed in this capital with a view to enter into the control of the public funds. He saw no reason why we should not give the control of this fund to some literary institution in Philadelphia or Boston, with as much propriety as to the National Institute.

The constitution did not give us charge of the mind and genius of the American people. It was the privilege of a despot, not of a free government, to control the mind and direct the genius of the people; and he wished to see no institution for that purpose established in the capital of the United States, by which the American people are to think, and read, and speak. Gentlemen were mistaken if they imagined that, because such institutions exist in France and other parts of Europe, they were doing a service to the American people in undertaking to pursue the same course in this country, or under our Government. Our Government is the *creature* of the public mind, and not the *creator*. In Europe, where monarchies, crowns, and thrones sustain themselves by controlling the thoughts of the people, it is different; but our Government stands upon the thoughts of the people, and is controlled by them. We have no right to presume that the people are so ignorant that we ought to legislate for enlightening them. We are here to receive their instructions, not to impart instruction to them. It is no part of our duty to do so. It is presumption in us to assume the duty.

On these grounds, and others which Mr. A. enforced with great energy, he not only opposed the amendment, but signified his intention of voting against the whole project.

Mr. Walker said that, on this occasion, he was likely to be placed in a small minority. In relation to the denunciation which the Senate had just heard upon this floor of the National Institute, and the charge that it commenced out of a desire to monopolize the Smithsonian fund, he need only to say that it commenced long before that fund was received. It originated with a distinguished member of the cabinet of Mr. Van Buren, now in honorable retirement; and from no individual did it receive more encouragement, or stronger marks of approbation, than from ex-President Van Buren himself, by numerous valuable pres-

ents, and by every other means in which he could manifest his regard. He (Mr. WALKER) thought, therefore, notwithstanding the difference of opinion between his friend from Massachusetts [Mr CHOATE] and his friend from New Hampshire, [Mr. WOODBURY,] as to which is the most democratic—and he really rejoiced that his friend from Massachusetts was claiming to be democratic, for it was a good symptom of the progress of democracy—and, notwithstanding all that was said by his friend from Ohio, [Mr. ALLEN,] he was bound to say that the individuals who originated this institution were eminently democratic. He did not see that the amendment offered by the Senator from New Hampshire proposed that the National Institute should have one dollar of the Smithsonian fund, or of any fund whatever. He believed it provides that the whole payments to be made are to be made by the Treasury; and that all the National Institute is to do, as regards this matter, in connection with the four other individuals named, is to be done under the direction of a committee of this body, and subject every year to the modifications and regulations, and subject to the supervision and control, of the Government of the United States. He rejected the idea, as one utterly erroneous, that the amendment of the Senator from New Hampshire proposes that the National Institute shall take any portion of this fund, or that it proposes even that it shall have the administration of it. It is not to receive a solitary dollar. It is not to disburse either the Smithsonian fund, or any other fund whatever, under this amendment. The Smithsonian fund is all to be administered by the Treasury Department—to be paid out by that department; and all that is to be done by this amendment is, to provide that there may be some supervision of these drafts before they are presented to the Treasury Department.

He should really like to know, inasmuch as there was to be a discussion here upon politics generally, which of the two is the more democratic—the Smithsonian Institution, or the National Institute? The Smithsonian Institution originated from an individual in England, entirely foreign —the very name is foreign. How was it with the National Institute? It sprang from the people. It bears a name that is dear to the people; and it has received the manifest encouragement of the people of the United States. He spoke now not merely of the colleges scattered all over the Union that had contributed to its aid and support. He spoke not merely of the scientific men who assembled at this Capitol not long since, and gave it their encouragement

and support; but he spoke of the people in the humblest walks of life, scattered all over this Union—residing in every State of the Union—who, from year to year, and month to month, had forwarded presents. And why is it that this institute is dear to the American people? Because it is *national*—because it is *American*. They wish to see an institution here bearing the name of the nation, which shall give to the United States the same happy range in science that this Government has done in political affairs.

And let him tell gentlemen that an institution that is merely called Smithsonian can never concentrate in the same degree the affections and confidence of the American people. Still he admitted that it must be called the Smithsonian Institution, nor did he propose that it should be called by any other name. But the question was, whether the individuals who were named in the bill now under consideration, as regarded the Smithsonian Institution, would better carry out the object of Mr. Smithson than the National Institute. It was a mere difference of opinion as to how the fund could be best administered. But if there was any objection to a corporation, would not the Smithsonian Institution be a corporation? He was sure his honorable friend from Massachusetts [Mr. CHOATE] would not deny that it was at least what was in law called a *quasi* corporation; and he supposed his honorable friend from Ohio [Mr. ALLEN] would admit that it would not be more democratic by making it a *quasi* corporation. He supposed it could institute suits and legal proceedings. Who are the persons that would have charge of this, under the National Institute? Who are the directors? There was the President of the United States. Was not that democratic? Is he not the only man in our Government who is elected by the whole people of the whole Union? And who, together with him constitute a majority of the directors? Why, the cabinet, deriving their appointment directly and immediately from the Chief Magistrate, who is himself the chosen of the whole American people. Was that less democratic than committing the administration of this fund to those intrusted with it in the bill? He thought, so far as the democracy of the thing was concerned, that the administration of this fund by the National Institute was quite as democratic as it could be by any other mode.

But those who have charge of this fund under the National Institute will be always here. They are to contribute their valuable services and time to the administration of this fund, and they are not to receive one solitary dollar for those

services. He believed that by committing to this institute the administration of this fund, two main objects would be accomplished. In the first place, it would best accomplish the intention of the donor; and, in the second, he believed it would also give additional permanency to, and aid the National Institute. Therefore, notwithstanding the denunciation of his friend from Ohio, [Mr. ALLEN,] and notwithstanding the honorable Senator from Massachusetts [Mr. CHOATE] considered his plan much the best, and much the more democratic, he [Mr. WALKER] should feel himself constrained to vote, in a small minority he supposed, for the amendment proposed by his honorable friend from New Hampshire, [Mr. WOODBURY.]

Mr. FOSTER of New York rose not to discuss the measure, but to suggest what appeared to him to be a deficiency in the bill, namely, the want of some provision for the permanency of the system of management which experience should prove to be best. In the proper time he would submit an amendment, the object of which would be that there should be only one of the seven additional members over the *ex officio* members elected annually; so that in the course of time each would serve seven years.

Mr. HUNTINGTON opposed the amendment of the Senator from New Hampshire.

The amendment to the amendment was rejected.

Mr. FOSTER of New York now submitted his amendment, as follows:

"And Jared P. Kirtland of Ohio, Richard Henry Wilde of Louisiana, George Tucker of Virginia, George Bancroft of Massachusetts, Henry King of Missouri, and Joseph G. Totten and Alex. Dallas Bache, members of the National Institute, resident in Washington city, be the other seven members, who shall, by lot, fix the term of their office, so that the term of one of them shall expire in one year; of another, in two years; of another, in three years; of another, in four years; of another, in five years; of another, in six years; and of the other, in seven years from the first day of December next, after the passage of this act. And any vacancy happening otherwise than by the expiration of the term, shall be filled for the remainder of the term on the fourth Wednesday of December next, after the vacancy occurs."

Mr. F. urged at some length the propriety of this provision.

Mr. TAPPAN opposed the provision as unnecessary, as there could be no doubt of the re-election of such members as proved by their services to be most valuable to the institution.

Mr. CHOATE pointed out how much better it would be for the interests of the institution to have short terms of election, as that would stimulate managers, who would feel their

ambition excited by the honor of their trust, to exertions worthy of their re-election.

The amendment to the amendment was rejected.

Mr. ALLEN moved to strike out the words "members of the National Institute," by which two of the nominees in the bill were designated.

The amendment was rejected.

On motion by Mr. CHOATE, the *fourth* Wednesday in December, in the bill, was changed to the *third* Wednesday in December, lest sometimes the fourth Wednesday might fall on Christmas day.

Mr. WOODBURY withdrew the printed amendments he had on a former day offered, the necessity for them having been obviated by alterations in the bill.

The amendment of the substitute, as amended, was then adopted, and the bill was reported back to the Senate.

Mr. BERRIEN, before the bill was allowed to pass the stage of amendment, suggested the necessity of considering whether a section would not be necessary, authorizing the institution, in respect to the property it would possess by the grant of the public grounds, to sue and be sued. It might be a question whether the Government would be the ostensible party in a suit.

Mr. CHOATE conceived the property in the ground would still vest in the Government; but, for the purpose of having time to add a small section, to avoid any possible difficulty, he would have no objection to passing over the bill informally till to-morrow.

The amendments made in committee of the whole were then concurred in.

SENATE, *January* 22, 1845.

The Senate resumed the consideration of the bill S. 18, and having been further amended, it was ordered to be engrossed and read a third time.

SENATE, *January* 23, 1845.

The bill S. 18 was read a third time and passed.

SENATE, *March* 3, 1845.

A joint resolution (No. 14) was signed by the President: "That whenever any State shall have been, or may be, in default for the payment of interest or principal on investments in its stocks or bonds, held by the United States in trust, it shall be the duty of the Secretary of the Treasury

to retain the whole, or so much thereof as may be necessary, of the percentage to which such State may be entitled, of the proceeds of the sales of the public lands within its limits, and apply the same to the payment of said interest or principal, or to the reimbursement of any sums of money expended by the United States for that purpose."

This had reference to the States in which the Smithson fund had been invested.

PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES, *January* 27, 1845.

Message from the Senate that a bill (S. 18) to establish the Smithsonian Institution had passed.

Mr. BURKE asked the unanimous consent of the House to refer this bill to the Committee of the Whole on the state of the Union, but objection was made.

HOUSE OF REPRESENTATIVES, *January* 28, 1845.

On motion of Mr. BURKE, bill S. 18 was read a first and second time, committed to the Committee of the Whole, and ordered to be printed.

HOUSE OF REPRESENTATIVES, *February* 10, 1845.

Mr. OWEN submitted an amendment to, or substitute for, S. 18; which was committed to the Committee of the Whole, and ordered to be printed.

On motion by Mr. OWEN, the committee took up the bill to establish the Smithsonian Institution, and, after some remarks from Mr. Adams, Mr. Owen, and others, Mr. ADAMS moved that the bill be laid aside; which was agreed to.

HOUSE OF REPRESENTATIVES, *March* 3, 1845.

Mr. BURKE offered the following resolution:

Resolved, That all debate in the Committee of the Whole House on the state of the Union on Senate bill (No. 18) to establish the Smithsonian Institution, shall cease in ten minutes after the same shall be again taken up in committee, (if the committee shall not sooner come to a conclusion upon the same;) and the committee shall then proceed to vote on such amendments as may be pending, or offered to the same, and shall then report it to the House with such amendments as may have been agreed to by the committee.

The resolution was read; when Mr. GEORGE W. JONES moved that it be laid upon the table.

And the question being put, it was decided in the affirmative—yeas, 83; nays, 52.

The yeas and nays being desired by one-fifth of the members present, those who voted in the affirmative are—

YEAS—Messrs. Adams, Arrington, Barringer, Belser, Benton, Bidlack, James A. Black, Bowlin, Boyd, Brengle, Brodhead, Jeremiah Brown, Caldwell, Carpenter, Shepherd Cary, Carroll, Causin, Reuben Chapman, Augustus A. Chapman, Chappell, Clinch, Clinton, Cobb, Coles, Cranston, Cullom, Darragh, Dawson, Dickey, Dunlap, Ficklin, Fish, Grinnell, Hammett, Henley, Hoge, Hopkins, Houston, Hubard, Hubbell, Hudson, Hungerford, Washington Hunt, Irvin, Jenks, Cave Johnson, Perley B. Johnson, George W. Jones, Preston King, Lumpkin, McIlvaine, Isaac E. Morse, Moseley, Norris, Parmenter, Payne, Phœnix, Pratt, Purdy, Rathbun, Reding, Relfe, Rhett, Ritter, Robinson, Rogers, Russell, Severance, Simons, Slidell, Thomas Smith, Sykes, Taylor, Thomasson, Thompson, Tilden, Tucker, Tyler, Wethered, Benjamin White, Williams, William Wright, Yost.

Those who voted in the negative are—

NAYS—Messrs. Abbott, Bayly, Edward J. Black, Bower, Brinkerhoff, Aaron V. Brown, Burke, Catlin, Chilton, Clingman, Collamer, Cross, Dana, Daniel, Richard D. Davis, Dellet, Dillingham, Dromgoole, Foot, Foster, French, Hamlin, Harper, Andrew Kennedy, D. P. King, Leonard, Lucas, Maclay, McClelland, McDowell, McKay, Marsh, Edward Joy Morris, Newton, Owen, Paterson, Emery D. Potter, David S. Reid, Rockwell, St John, Sample, Saunders, Thomas H. Seymour, Albert Smith, Robert Smith, Steenrod, Andrew Stewart, John Stewart, Stiles, Alfred P. Stone, Vinton, Winthrop.

PROCEEDINGS IN THE SENATE.

SENATE, *April* 30, 1846.

Message from the House of Representatives that bill H. R. 5 had been passed. The bill was read the first and second times by unanimous consent, and, on motion of Mr. LEWIS, it was referred to a select committee of three members appointed by the President of the Senate. Mr. Dix, Mr. Corwin, and Mr. Lewis were appointed.

SENATE, *May* 21, 1846.

Mr. DIX presented a memorial of citizens of Madison county, New York, praying the adoption of a plan for the establishment of the Smithsonian Institution; which was referred to the select committee on the subject.

SENATE, *June* 1, 1846.

Mr. DIX, from the select committee, reported H. R. 5, with amendments; which were ordered to be printed.

SENATE, *June* 24, 1846.

Mr. DICKINSON presented the proceedings and resolutions of a convention of county superintendents of common schools, held at Albany, New York.

Ordered to lie on the table, and be printed.

The memorial is as follows:

At a convention of county superintendents of common schools, and friends of education generally, held at the city of Albany, in the State of New York, on the 12th, 13th, 14th, and 15th days of May last, the following resolutions offered by the Hon. Jabez D. Hammond, of the county of Otsego, were unanimously adopted:

Resolved, That while this convention are impressed with profound respect and veneration for the memory of the late James Smithson, of England, and gratitude for his munificent legacy to the United States, made with a view to the increase and diffusion of knowledge among men, they cannot suppress their deep mortification and painful regret that the representatives of the people of these United States should have suffered a fund created for such noble and exalted purposes to remain so long unemployed; and they do respectfully, but most earnestly, recommend to the present Congress to adopt such measures as will carry into immediate effect the benevolent intentions of the philanthropic and liberal donor.

Resolved, That a copy of this resolution, signed by the president and secretaries, be forwarded to each of the Senators in the Senate of the United States from the State of New York.

SAMUEL S. RANDALL, *President*.

EDWARD COOPER,
W. PUTNAM,
Secretaries.

SENATE, *August* 7, 1846.

"An act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men," was passed over in consequence of want of time for consideration.

SENATE, *August* 10, 1846.

The Senate proceeded to consider the bill (H. R. 5) to establish the Smithsonian Institution for the increase and diffusion of knowledge among men, together with the amendments reported thereto; and the reported amendments having been disagreed to, the bill was reported to the Senate.

Ordered that it pass to a third reading. The said bill was read a third time.

On the question, "Shall this bill pass?" It was determined in the affirmative—yeas, 26; nays, 13.

On motion by Mr. ALLEN, the yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are—

YEAS—Messrs. Archer, Atchison, Barrow, Berrien, Cameron, Cilley, Thomas Clayton, John M. Clayton, Corwin, Davis, Evans, Greene, Houston, Huntington, Jarnagin, Johnson of Maryland, Johnson of Louisiana, Lewis, Mangum, Miller, Morehead, Phelps, Speight, Sturgeon, Upham, Webster.

Those who voted in the negative are—

NAYS—Messrs. Allen, Ashley, Atherton, Bagby, Benton, Calhoun, Dickinson, Fairfield, McDuffie, Semple, Turney, Westcott, Yulee.

So it was resolved that this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. EVANS (by unanimous consent) asked and obtained leave to bring in a resolution (S. 37) appointing regents of the Smithsonian Institution; which was read the first and second times, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate, read a third time, and passed.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

Mr. EVANS submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, (the House of Representatives concurring,) That the sixteenth joint rule of the two houses be suspended, so far as it relates to a resolution (S. 37) appointing regents of the Smithsonian Institution.

The President signed H. R. 5, an act to establish the Smithsonian Institution, and S. Res. 37 appointing regents to the Smithsonian Institution.

PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES, *December* 4, 1845.

Mr. OWEN gave notice of a bill to establish the Smithsonian Institution.

HOUSE OF REPRESENTATIVES, *December* 19, 1845.

Mr. Owen's bill (H. R. 5) was read a first and second time, and referred to a select committee of seven members, viz: Mr. Owen, Mr. Jno. Q. Adams, Mr. Jenkins, Mr. Marsh, Mr. Alex. D. Sims, Mr. Jeff. Davis, and Mr. Wilmot.

HOUSE OF REPRESENTATIVES, *January* 9, 1846.

Mr. OWEN, from the select committee, reported a resolution that the bill referred to the committee be printed; agreed to.

HOUSE OF REPRESENTATIVES, *February* 28, 1846.

Mr. OWEN, from the select committee to which was referred the bill H. R. 5, reported a substitute for said bill; and thereupon Mr. OWEN offered the following resolution:

Resolved, That this report be printed; that the substitute herewith reported be referred to the Committee of the Whole on the state of the Union, and be printed separately in the form of a bill; and that the same be made the special order of the day for the *second Tuesday* in *April* next.

Mr. HOUSTON called for a division of the question, so as to take a separate vote on the proposal to make it the special order for a particular day; which was ordered.

And the question on the first branch of the resolution was taken, and decided in the affirmative.

So the bill was referred to the Committee of the Whole on the state of the Union.

And the question recurring on the second branch of the resolution,

Mr. OWEN said: I hope the House will suffer me to say one word on the subject. The money appropriated by this bill has been in our Treasury between seven and eight years; and, in all that time, not a dollar of it has been used in accordance with the will of the testator. We cannot suppose Congress unwilling to act in such a matter. It has heretofore failed, because, in the conflict on other important subjects, it was delayed, and remained among the unfinished business. This will again be its fate, unless we make it the special order for some day. The committee put it off until April. If even that be too early, let a later day be named. But, at all events, let some day be fixed when we may know that the subject will be taken up; so that we at last escape the just reproach of receiving money for one of the best purposes on earth, and then doing nothing with it.

The question was then taken on the second branch of the resolution, and decided in the affirmative—two-thirds voting therefor.

So the bill was made the special order of the day for the second Tuesday in April next.

Mr. OWEN, from the select committee on the Smithsonian bequest, made the following report:

The select committee on the Smithsonian bequest, to whom was referred House bill No. 5, entitled a "bill to establish the Smithsonian Institution, for the increase and diffusion of knowledge among men," have had the same under consideration, and have instructed me to report the

same back with one amendment. The bill, as it was referred to them, reads as follows:

A BILL to establish the "Smithsonian Institution," for the increase and diffusion of knowledge among men.

Whereas James Smithson, Esquire, of London, in the Kingdom of Great Britain, by his last will and testament, did give the whole of his property to the United States of America, to found at Washington, under the name of the Smithsonian Institution, an establishment for the inerease and diffusion of knowledge among men; and whereas Congress have heretofore received said property and accepted said trust: therefore, that the same may be executed in good faith, and according to the will of the liberal and enlightened donor—

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the property of the said James Smithson as has been received in money, and paid into the Treasury of the United States, being the sum of five hundred and fifteen thousand one hundred and sixty-nine dollars, be lent to the United States Treasury, at six per cent. per annum interest, from the first day of September, in the year one thousand eight hundred and thirty-eight, when the same was received into the said Treasury, and that so much of the interest as may have accrued on said sum on the first day of July next, which will amount to the sum of two hundred and forty-two thousand one hundred and twenty-nine dollars, or so much thereof as shall by the board of managers of the institution established by this act be deemed necessary, be, and the same is hereby, appropriated for the erection of suitable buildings, the enclosing and preparing of suitable grounds, and for other current incidental expenses of the said institution; and that six per cent. interest on the said trust fund, it being the said amount of five hundred and fifteen thousand one hundred and sixty-nine dollars, received into the United States Treasury, on the first of September, one thousand eight hundred and thirty-eight, payable, in half yearly payments, on the first of January and July in each year, be, and the same is hereby, appropriated for the perpetual maintenance and support of said institution; and all expenditures and appropriations to be made, from time to time, to the purposes of the institution aforesaid, shall be exclusively from the accruing interest, and not from the principal of the said fund.

SEC. 2. *And be it further enacted*, That the business of the said institution shall be conducted by a board of managers, to be composed of the Vice-President of the United States, the Chief Justice of the United States, during the time for which they shall hold their respective offices; three members of the Senate and three members of the House of Representatives, together with seven other persons, other than members of Congress, two of whom shall be members of the National Institute in the city of Washington, and resident in the said city; and the other five thereof shall be inhabitants of States, and no two of them of the same State. And the managers to be selected as aforesaid from Congress, shall be appointed immediately after the passage of this act—the members of the Senate by the President thereof, and the members of the House by the Speaker thereof; and those so appointed shall serve until the fourth Wednesday of December, the second next after the passage of this act; and then, and biennially thereafter, on every alternate fourth Wednesday of December, a like number shall be appointed in the same manner, to serve until the fourth Wednesday of December, the second succeeding their appointment; and they shall also constitute and be denominated a joint standing committee of Congress on the Smithsonian Institution; and vacancies occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled; and the other seven managers aforesaid shall serve for the term of two years from the fourth Wednesday of December next after the passage of this act;

when, and on every alternate fourth Wednesday of December thereafter, a new election thereof shall be made by a joint resolution of Congress; and vacancies occasioned by death, resignation, or otherwise, may be filled in like manner by joint resolution of Congress. And the said managers shall meet and organize, by the choice of a president, in the city of Washington, on the first Monday in September next after the passage of this act, and they shall then fix on the times for regular meetings of the board; and on application of any three of the managers to the superintendent of the said institution, it shall be his duty to appoint a special meeting of the board, of which he shall give notice by letter to each of the members; and at any meeting of the board of managers, five shall constitute a quorum to do business. And each member of the board of managers shall be paid his necessary traveling and other actual expenses in attending meetings of the board, which shall be audited and recorded by the superintendent of the institution; but his service as manager shall be gratuitous. And whenever money is required for the payment of the debts or performance of the contracts of the institution, incurred or entered into in conformity with the provisions of this act, or for making the purchases and executing the objects authorized by this act, the superintendent or the managers, or any three thereof, may certify to the president of the board that such sum of money is required; whereupon, he shall submit the same to a committee of three of the managers appointed for that purpose for examination and approval; and upon such examination and approval, he shall certify the same to the proper officer of the Treasury for payment. And the said board shall make all needful rules, regulations, and by-laws, for the government of the institution and the persons employed therein, and shall submit to Congress, at each session thereof, a report of the operations, expenditures, and condition of the institution.

SEC. 3. *And be it further enacted*, That after the board of managers shall have met, and become organized, it shall be their duty forthwith to proceed to select suitable sites for such buildings as may be necessary for the institution, and suitable ground for horticultural and agricultural purposes and experiments; which ground may be taken and appropriated out of that part of the public ground in the city of Washington called the Mall, lying west of Seventh street; and the sites and grounds so selected shall be set out by proper metes and bounds, and a description of the same shall be made and recorded in a book to be provided for that purpose, and signed by the said managers, or so many of them as may be convened at the time of their said organization; and such record, or a copy thereof, certified by the president of the board of managers, shall be received in evidence in all courts of the extent and boundaries of the lands appropriated to the said institution; and upon the making of such record, such sites and lands shall be deemed and taken to be appropriated by force of this act to the said institution.

SEC. 4. *And be it further enacted*, That, so soon as the board of managers shall have selected the site for the buildings of the institution, they shall cause to be erected a suitable building, of plain and durable materials and structure, without unnecessary ornament, and of sufficient size, and with suitable rooms or halls for the reception and arrangement, upon a liberal scale, of objects of natural history, including a geological and mineralogical cabinet; also a chemical laboratory, a library, and the necessary lecture rooms; and the said board shall have authority, by themselves, or by a committee of three of their members, to contract for the completion of such building, upon such plan as may be directed by the board of managers, and shall take sufficient security to the Treasurer of the United States for the building and finishing the same according to the said plan, and in the time stipulated in such contract. And the board of managers shall also cause the grounds selected for horticultural and agricultural purposes to be enclosed and secured, and suitable buildings erected, to preserve such plants as will not bear exposure to the weather at all seasons; and so soon as it may be neces-

sary for the accommodation of the persons employed in said institution, the said board of managers may cause to be erected on the grounds of the institution such dwelling houses and other buildings, of plain and substantial workmanship and materials, to be without unnecessary ornament, as may be wanted: *Provided, however,* That the whole expense of the buildings and enclosures aforesaid shall not exceed the amount of the interest which will have accrued on the principal sum and fund on the first day of July next, to wit: the sum of two hundred and forty-two thousand one hundred and twenty-nine dollars; which sum is hereby appropriated, payable out of money in the Treasury not otherwise appropriated; together with such sum or sums out of the annual interest accruing to the institution, as may, in any year, remain unexpended, after paying the current expenses of the institution: *And provided, further,* That the expenditure for enclosing and securing grounds, and erecting buildings to prevent plants from exposure, shall not exceed the sum of twenty thousand dollars. And all such contracts as may be made by said board of managers shall be deposited with the Treasurer of the United States; and all questions which may arise between the United States and any person claiming under and by virtue of any such contract, shall be heard and determined by said board of managers, and such determination shall be final and conclusive upon all parties; and all claims on any contract made as aforesaid shall be allowed and certified by the board of managers, or a committee thereof, as the case may be, and, being signed by the president of the board, shall be a sufficient voucher for settlement and payment at the Treasury of the United States. And the board of managers shall be authorized to employ such persons as they deem necessary to superintend the erection of the buildings and fitting up the rooms of the institution. And all laws for the protection of public property in the city of Washington shall apply to, and be in force for, the protection of the lands, buildings, and other property of said institution; and all prosecutions for trespasses upon said property, and all civil suits on behalf of said institution, shall be prosecuted in the name of the United States, in any court having competent jurisdiction of the same.

SEC. 5. *And be it further enacted,* That, in proportion as suitable arrangements can be made for their reception, all objects of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging or hereafter to belong to the United States, which may be in the city of Washington, in whosesoever custody the same may be, shall be delivered to such persons as may be authorized by the board of managers to receive them, and shall be arranged in such order, and so classed, as best to facilitate the examination and study of them, in the buildings so as aforesaid to be erected for the institution; and the managers of said institution shall afterwards, as new specimens in natural history, geology, or mineralogy, may be obtained for the museum of the institution by exchanges of duplicate specimens belonging to the institution, (which they are hereby authorized to make) or by donation, which they may receive, or otherwise, cause such new specimens to be also appropriately classed and arranged. And the minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States, and are now placed in the Patent Office, shall be removed to said institution and shall be preserved separate and apart from the other property of the institution.

SEC. 6. *And be it further enacted,* That the managers of said institution shall appoint a superintendent, whose duty it shall be to take charge of the ground, buildings, and property, belonging to the institution, and carefully preserve the same from injury; and such superintendent shall be the secretary of the board of managers, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in said institution; and the said superintendent shall also discharge the duties of librarian and of keeper of the museum, and may, with the consent of the board of managers, employ an assistant; and the said managers shall ap-

point a professor of agriculture, horticulture, and rural economy, and the said professor may hire, from time to time, so many gardeners, practical agriculturists, and laborers as may be necessary to cultivate the ground and keep in repair the buildings of said institution; and he shall make experiments to determine the utility and advantage of new modes and instruments of culture, to determine whether new fruits, plants, and vegetables may be cultivated to advantage in the United States; and all such fruits, plants, seeds, and vegetables as shall be found useful, and adapted to any of our soils and climates, shall be distributed among the people of the Union; and the said officers shall receive for their services such sum as may be allowed by the board of managers, to be paid semi-annually on the first day of January and July; and the said officers, and all other officers of the institution, shall be removable by the board of managers whenever, in their judgment, the interests of the institution require any of the said officers to be changed.

SEC. 7. And whereas the most effectual mode of promoting the general diffusion of knowledge is by judiciously conducted common schools, to the establishment of which throughout the Union much aid will be afforded by improving and perfecting the common school system of the country, and by elevating the standard of qualification for common school teachers: And whereas knowledge may be essentially increased among men by instituting scientific researches, and, generally, by spreading among the people a taste for science and the arts—

Be it further enacted, That the board of managers shall establish a normal branch of the institution, by appointing some suitable person as professor of common school instruction, with such other professors, chiefly of the more useful sciences and arts, as may be necessary for such a thorough, scientific, and liberal course of instruction as may be adapted to qualify young persons as teachers of common schools, and to give to others a knowledge of an improved common school system; and also, when desired, to qualify students as teachers or professors of the more important branches of natural science. And the board of managers may authorize the professors of the institution to grant to such of its students as may desire it, after suitable examination, certificates of qualification as common school teachers, and also as teachers or professors in various branches of science; they may also employ able men to lecture upon useful subjects, and shall fix the compensation of such lecturers and professors: *Provided, however*, That there shall not be established, in connection with the institution, any school of law, or medicine, or divinity, nor any professorship of ancient languages. And the said managers shall make, from the interest of said fund, an appropriation, not exceeding five thousand dollars annually, for the gradual formation of a library, composed chiefly of the best works on the physical sciences, and the application of science to the arts of life, but without excluding valuable and standard works pertaining to other departments of human knowledge.

SEC. 8. *And be it further enacted*, That the said board of managers shall make all needful rules, regulations, and by-laws, for the government of the institution and the persons employed therein; and, in prescribing the duties of the professors and lecturers, they shall have reference to the introduction and illustration of subjects connected with the application of science to the productive and liberal arts of life, improvements in agriculture, in manufactures, in trades, and in domestic economy; and they shall also have special reference to the increase and extension of scientific knowledge generally, by experiment and research. And the managers may, at their discretion, cause to be printed, from time to time, any lecture or course of lectures which they may deem useful. And it shall be the duty of each lecturer, while in the service of the institution, to submit a copy of any lecture or lectures delivered by him, to the managers, if required and called upon, for the purpose of being printed; and such lectures, when printed,

shall be at all times offered for sale at the lowest rate that will repay the actual expense of publication.

SEC. 9. *And be it further enacted*, That the said board of managers shall also make rules and regulations for the admission of students into the various departments of the institution, and their conduct and deportment while they remain therein: *Provided*, That all instruction in said institution shall be gratuitous to those students who conform to such rules and regulations.

SEC. 10. *And be it further enacted*, That it shall be competent for the board of managers to cause to be printed and published periodically or occasionally essays, pamphlets, magazines, or other brief works or productions for the dissemination of information among the people, especially works in popular form on agriculture and its latest improvements, on the sciences and the aid they bring to labor, manuals explanatory of the best systems of common school instruction, and generally tracts illustrative of objects of elementary science and the rudiments of history, chemistry, astronomy, or any other department of useful knowledge; also, they may prepare sets of illustrations, specimens, and apparatus, suited for primary schools: *Provided*, That the same shall at all times be offered for sale at the lowest rate that will repay the actual expense of preparation or publication.

SEC. 11. *And be it further enacted*, That of any other moneys which have accrued, or shall hereafter accrue, as interest upon the said Smithsonian fund, not herein appropriated, or not required for the purposes herein provided, the said managers are hereby authorized to make such disposal as they shall deem best suited for the promotion of the purposes of the testator, anything herein contained to the contrary notwithstanding.

SEC. 12. *And be it further enacted*, That ——— ——— and Joseph G. Totten and Alexander Dallas Bache, members of the National Institute, and resident in the city of Washington, be the seven managers who, by the second section of this act, are to be appointed by Congress.

SEC. 13. *And be it further enacted*, That there is reserved to Congress the right of altering, amending, adding to, or repealing any of the provisions of this act: *Provided*, That no contract, or individual right, made or acquired under such provisions, shall be thereby divested or impaired.

The amendment agreed to by your committee, and which they recommend for adoption to the House, is to strike out all after the preamble, and insert the following substitute:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the property of the said James Smithson as has been received in money and paid into the Treasury of the United States, being the sum of five hundred and fifteen thousand one hundred and sixty-nine dollars, be lent to the United States Treasury, at six per cent. per annum interest, from the first day of September, in the year one thousand eight hundred and thirty-eight, when the same was received into the said Treasury; and that so much of the interest as may have accrued on said sum on the first day of July next, which will amount to the sum of two hundred and forty-two thousand one hundred and twenty-nine dollars, or so much thereof as shall by the board of managers of the institution established by this act be deemed necessary, be, and the same is hereby, appropriated for the erection of suitable buildings, the enclosing and preparing of suitable grounds, and for other current incidental expenses of the said institution; and that six per cent. interest on the said trust fund, it being the said amount of five hundred and fifteen thousand one hundred and sixty-nine dollars, received into the United States Treasury on the first of September, one thousand eight hundred and thirty-eight, payable, in half-yearly payments, on the first of January and July in each year, be, and the same is hereby, appropriated for the perpetual maintenance and support of said institution; and all expenditures and appropriations to be made, from time to time, to the purposes of the institution aforesaid, shall be exclusively

from the accruing interest and not from the principal of the said fund. *And be it further enacted*, That all the moneys and stocks which have been, or may hereafter be, received into the Treasury of the United States, on account of the fund bequeathed by James Smithson, be and the same hereby are, pledged to refund to the Treasury of the United States the sums hereby appropriated.

SEC. 2. *And be it further enacted*, That the business of the said institution shall be conducted by a board of managers, who shall be, and hereby are, constituted a body politic and corporate, by the style and title of the "Smithsonian Institution," with perpetual succession, and the usual powers, duties, and liabilities, incident to corporations. And the said board of managers shall be composed of the Vice-President of the United States, the Chief Justice of the United States, and the mayor of the city of Washington, during the time for which they shall hold their respective offices, three members of the Senate, and three members of the House of Representatives, together with six other persons, other than members of Congress, two of whom shall be members of the National Institute in the city of Washington, and resident in the said city; and the other four thereof shall be inhabitants of States, and no two of them of the same State. And the managers, to be selected as aforesaid, shall be appointed immediately after the passage of this act—the members of the Senate by the President thereof; the members of the House by the Speaker thereof; and the six other persons by joint resolution of the Senate and House of Representatives; and the members of the House so appointed shall serve until the fourth Wednesday in December, the second next after the passage of this act; and then, and biennially thereafter, on every alternate fourth Wednesday of December, a like number shall be appointed in the same manner, to serve until the fourth Wednesday in December, the second succeeding their appointment. And the Senators so appointed shall serve during the term for which they shall hold, without re-election, their office as Senators. And vacancies occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled; and the other six members aforesaid shall serve, two for two years, two for four years, and two for six years; the terms of service, in the first place, to be determined by lot; but after the first term, then their regular term of service shall be six years; and new elections thereof shall be made by joint resolution of Congress; and vacancies occasioned by death, resignation, or otherwise, may be filled in like manner, by joint resolution of Congress. And the said managers shall meet and organize by the choice of a president in the city of Washington, on the first Monday in September next after the passage of this act, and they shall then fix on the times for regular meetings of the board; and on application of any three of the managers to the superintendent of the said institution, it shall be his duty to appoint a special meeting of the board, of which he shall give notice by letter to each of the members; and at any meeting of the board of managers, five shall constitute a quorum to do business. And each member of the board of managers shall be paid his necessary traveling and other actual expenses in attending meetings of the board, which shall be audited and recorded by the superintendent of the institution; but his service as manager shall be gratuitous. And whenever money is required for the payment of the debts or performance of the contracts of the institution, incurred or entered into in conformity with the provisions of this act, or for making the purchases and executing the objects authorized by this act, the superintendent or the managers, or any three thereof, may certify to the president of the board that such sum of money is required; whereupon, he shall submit the same to a committee of three of the managers appointed for that purpose, for examination and approval; and upon such examination and approval, he shall certify the same to the proper officer of the Treasury for payment. And the said board shall make all needful rules, regulations, and by-laws, for the government of the institution and the persons employed therein, and shall submit to Congress, at each

session thereof, a report of the operations, expenditures, and condition of the institution.

SEC. 3. *And be it further enacted*, That after the board of managers shall have met, and become organized, it shall be their duty forthwith to proceed to select suitable sites for such buildings as may be necessary for the institution, and suitable ground for horticultural and agricultural purposes and experiments; which ground may be taken and appropriated out of that part of the public ground in the city of Washington called the Mall, lying west of Seventh street; and the sites and ground so selected shall be set out by proper metes and bounds, and a description of the same shall be made and recorded in a book to be provided for that purpose, and signed by the said managers, or so many of them as may be convened at the time of their said organization; and such record, or a copy thereof, certified by the president of the board of managers, shall be received in evidence in all courts of the extent and boundaries of the lands appropriated to the said institution; and upon the making of such record, such sites and lands shall be deemed and taken to be appropriated by force of this act to the said institution.

SEC. 4. *And be it further enacted*, That, so soon as the board of managers shall have selected the site for the buildings of the institution, they shall cause to be erected a suitable building, of plain and durable materials and structure, without unnecessary ornament, and of sufficient size, and with suitable rooms, or halls, for the reception and arrangement, upon a liberal scale, of objects of natural history, including a geological and mineralogical cabinet; also a chemical laboratory, a library, a gallery of art, and the necessary lecture rooms; and the said board shall have authority, by themselves, or by a committee of three of their members, to contract for the completion of such building, upon such plan as may be directed by the board of managers, and shall take sufficient security for the building and finishing the same according to the said plan, and in the time stipulated in such contract. And the board of managers shall also cause the grounds selected for horticultural and agricultural purposes to be inclosed and secured, and suitable buildings erected to preserve such plants as will not bear exposure to the weather at all seasons; and so soon as it may be necessary for the accommodation of the persons employed in said institution, the said board of managers may cause to be erected, on the grounds of the institution, such dwelling-houses and other buildings, of plain and substantial workmanship and materials, to be without unnecessary ornament, as may be wanted: *Provided, however*, That the whole expense of the buildings and inclosures aforesaid shall not exceed the amount of the interest which will have accrued on the principal sum and fund on the first day of July next, to wit: the sum of two hundred and forty-two thousand one hundred and twenty-nine dollars; which sum is hereby appropriated, payable out of money in the Treasury not otherwise appropriated; together with such sum or sums out of the annual interest accruing to the institution, as may, in any year, remain unexpended, after paying the current expenses of the institution: *And provided, further*, That the expenditure for inclosing and securing grounds, and erecting buildings to prevent plants from exposure, shall not exceed the sum of twenty thousand dollars. And duplicates of all such contracts as may be made by the said board fo managers shall be deposited with the Treasurer of the United States; and all claims on any contract, made as aforesaid, shall be allowed and certified by the board of managers, or a committee thereof, as the case may be, and, being signed by the president of the board, shall be a sufficient voucher for settlement and payment at the Treasury of the United States. And the board of managers shall be authorized to employ such persons as they deem necessary to superintend the erection of the buildings and fitting up the rooms of the institution. And all laws for the protection of public property in the city of Washington, shall apply to, and be in force for, the protection of the lands, buildings, and other property of said institution. And all moneys recovered by, or accruing to, the institution shall be paid into

the Treasury of the United States, to the credit of the Smithsonian bequest, and separately accounted for, as provided in the act approved July 1, 1836, accepting said bequest.

SEC. 5. *And be it further enacted*, That, in proportion as suitable arrangements can be made for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging or hereafter to belong to the United States, which may be in the city of Washington, in whosesoever custody the same may be, shall be delivered to such persons as may be authorized by the board of managers to receive them, and shall be arranged in such order, and so classed, as best to facilitate the examination and study of them, in the buildings so as aforesaid to be erected for the institution; and the managers of said institution shall afterwards, as new specimens in natural history, geology, or mineralogy may be obtained for the museum of the institution, by exchanges of duplicate specimens belonging to the institution, (which they are hereby authorized to make,) or by donation, which they may receive, or otherwise, cause such new specimens to be also appropriately classed and arranged. And the minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States, and are now placed in the Department of State, shall be removed to said institution, and shall be preserved separate and apart from the other property of the institution.

SEC. 6. *And be it further enacted*, That the managers of said institution shall appoint a superintendent, whose duty it shall be to take charge of the ground, buildings, and property belonging to the institution, and carefully preserve the same from injury; and such superintendent shall be the secretary of the board of managers, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in said institution; and the said superintendent shall also discharge the duties of librarian and of keeper of the museum, and may, with the consent of the board of managers, employ assistants; and the said managers shall appoint a professor of agriculture, horticulture, and rural economy; and the said professor may hire, from time to time, so many gardeners, practical agriculturists, and laborers as may be necessary to cultivate the ground and maintain a botanical garden; and he shall make, under the supervision of the board of management, such experiments as may be of general utility throughout the United States, to determine the utility and advantage of new modes and instruments of culture, to determine whether new fruits, plants, and vegetables may be cultivated to advantage in the United States; and the said officers shall receive for their services such sum as may be allowed by the board of managers, to be paid semi-annually on the first day of January and July; and the said officers, and all other officers of the institution, shall be removable by the board of managers, whenever, in their judgment, the interests of the institution require any of the said officers to be changed.

SEC. 7. And whereas the most effectual mode of promoting the general diffusion of knowledge is by judiciously conducted common schools, to the establishment of which throughout the Union much aid will be afforded by improving and perfecting the common school system of the country, and by elevating the standard of qualification for common school teachers: And whereas knowledge may be essentially increased among men by instituting scientific researches, and, generally, by spreading among the people a taste for science and the arts—

Be it further enacted, That the board of managers shall establish a normal branch of the institution, by appointing some suitable person as professor of common school instruction, with such other professors, chiefly of the more useful sciences and arts, as may be necessary for such a thorough, scientific, and liberal course of instruction as may be adapted to qualify young persons as teachers of common schools, and to give to others a knowledge of an improved common school system; and also, when desired, to qualify students as teachers or professors of the more important branches of

natural science. And the board of managers may authorize the professors of the institution to grant to such of its students as may desire it, after suitable examination, certificates of qualification as common school teachers, and also as teachers or professors in various branches of science; they may also employ able men to lecture upon useful subjects, and shall fix the compensation of such lecturers and professors: *Provided, however*, That there shall not be established, in connection with the institution, any school of law, or medicine, or divinity, nor any professorship of ancient languages. And the said managers shall make, from the interest of said fund, an appropriation, not exceeding an average of ten thousand dollars annually, for the gradual formation of a library, composed of valuable works pertaining to all departments of human knowledge.

SEC. 8. *And be it further enacted*, That the said board of managers shall make all needful rules, regulations, and by-laws, for the government of the institution and the persons employed therein; and, in prescribing the duties of the professors and lecturers, they shall have reference to the introduction and illustration of subjects connected with the application of science to the productive and liberal arts of life, improvements in agriculture, in manufactures, in trades, and in domestic economy; and they shall also have special reference to the increase and extension of scientific knowledge generally, by experiment and research. And the managers may, at their discretion, cause to be printed, from time to time, any lecture or course of lectures which they may deem useful. And it shall be the duty of each lecturer, while in the service of the institution, to submit a copy of any lecture or lectures, delivered by him, to the managers, if required and called upon.

SEC. 9. *And be it further enacted*, That the said board of managers shall also make rules and regulations for the admission of students into the various departments of the institution, and their conduct and deportment while they remain therein: *Provided*, That all instruction in said institution shall be gratuitous to those students who conform to such rules and regulations.

SEC. 10. *And be it further enacted*, That it shall be competent for the board of managers to cause to be printed and published periodically or occasionally essays, pamphlets, magazines, or other brief works or productions for the dissemination of information among the people, especially works in popular form on agriculture and its latest improvements, on the sciences and the aid they bring to labor, manuals explanatory of the best systems of common school instruction, and generally tracts illustrative of objects of elementary science, and treatises on history, natural and civil, chemistry, astronomy, or any other department of useful knowledge; also, they may prepare sets of illustrations, specimens, apparatus, and school books, suited for primary schools.

SEC. 11. *And be it further enacted*, That of any other moneys which have accrued, or shall hereafter accrue, as interest upon the said Smithsonian fund, not herein appropriated, or not required for the purposes herein provided, the said managers are hereby authorized to make such disposal as they shall deem best suited for the promotion of the purpose of the testator, anything herein contained to the contrary notwithstanding.

SEC. 12. *And be it further enacted*, That there is reserved to Congress the right of altering, amending, adding to, or repealing any of the provisions of this act: *Provided*, That no contract or individual right, made or acquired under such provisions, shall be thereby divested or impaired.

Your committee further report, that though they do not consider it in strictness a part of their duty to refer to the purchases of stocks which Congress has seen fit to make with the money paid into the Treasury as the Smithsonian fund, yet they have inquired into the present condition of

these investments, and make the following statement in regard to the same, that the House, by its Committee of Ways and Means or otherwise, may, if it see fit, inquire into the expediency of adopting measures for the ultimate arrangement of these debts.

There was invested, as by reference to tables A, B, and C, in House document No. 142, 28th Congress, 1st session, will more fully appear, upwards of half a million in Arkansas bonds; upwards of $50,000 in Illinois bonds, and a few smaller sums in Ohio, Michigan, and United States stocks.

On these stocks, up to the 31st December, 1843, as appears also in the report above referred to, interest was paid except

Balance of interest then due and unpaid,	
By the State of Arkansas	$75,687 84
Michigan	480 00
Illinois	3,360 00
Total interest due and unpaid, 31st December, 1843	$79,527 84

By a statement received by your committee from the Secretary of the Treasury, they learn that, since the 31st December, 1843, there has been carried into the Treasury, on account of interest due by these States, the sum of $19,106.25; and that the entire amount of interest due and unpaid, at the close of last year, had increased as follows:

Balance of interest due and unpaid up to the 31st of December, 1845, viz:	
By the State of Arkansas	$130,841 52
Illinois	1,680 00
Michigan	180 07
Total interest on stocks purchased with the Smithsonian fund, due and unpaid on the 31st December, 1845	$132,701 59

What measures, if any, it may be expedient to adopt in regard to the back interest, or to the sale of all or any of these stocks, they have not considered it their province to inquire.

And your committee recommend to the House the adoption of the following resolution:

Resolved, That this report be printed; that the substitute herewith reported by them be referred to the Committee of the Whole on the state of the Union, and be printed separately in the form of a bill; and that the same be made the special order of the day for the second Tuesday in April next.

All which is respectfully submitted.

ROBERT DALE OWEN, *Chairman*.

HOUSE OF REPRESENTATIVES, *April* 22, 1846.

The SPEAKER announced the special order of the day to be the bill in relation to the Smithsonian Institution.

Mr. OWEN moved that the House resolve itself into Committee of the Whole on the state of the Union, which motion was agreed to.

The SPEAKER invited to the chair Mr. Seaborn Jones, who excused himself on the ground that he had but a limited acquaintance with the members.

Mr. Burt having then been addressed by the Speaker, accepted the invitation.

Whereupon the House resolved itself into Committee of the Whole on the state of the Union, (Mr. Burt, of South Carolina, in the chair,) and proceeded to the consideration of the bill entitled "A bill to establish the Smithsonian Institution for the increase and diffusion of knowledge among men."

The bill having been read through, was taken up by sections; and the first section being under consideration, Mr. G. W. JONES moved that the said section be stricken out.

Mr. OWEN said: We have been unfortunate, in this country, in the administration of legacies bequeathed by benevolent men for the improvement of our race. Of the noble Girard fund, three quarters of a million of dollars are lost forever, and though half a generation has passed away since the eccentric Philadelphian died, not one child has yet reaped the benefit of his munificent bequest. A temple has indeed arisen that outshines Greece and her Parthenon; its sumptuous Corinthian pillars, each one costing a sum that would have endowed a professorship, are the admiration of beholders and the boast of the Quaker city; but years must yet elapse before the first son of indigence can ascend the steps of that princely portico, and sit down within those marble halls to receive the education for which its simple and unostentatious founder sought to provide.

Yet it is not for us of this National Legislature to arraign as dilatory, the corporation of Philadelphia. It is sixteen years since James Smithson died, leaving to the United States the reversion of more than half a million of dollars, to found, in this District, an institution "for the increase and diffusion of knowledge among men." It will be ten years, on the 1st of July next, since this Government solemnly accepted the trust created by Mr. Smithson's will. It will be eight years next September since the money was obtained from the English Court of Chancery and paid into

the Treasury of the United States. And yet, though distinguished men have moved in this matter, though projects have been brought forward and discussed in Congress, there has till this day been no final action; the first human being has yet to receive the benefit of the Smithsonian bequest; the corner-stone of the first building has yet to be laid, in fulfilment of the intentions of the philanthropic testator.

Small encouragement is there, in such tardiness as this to others, as wealthy and as liberal as Smithson and Girard, to follow their noble example! Small encouragement to such men, to entrust to our care bequests for human improvement! Due diligence is one of the duties of a faithful trustee. Has Congress, in its conduct of this sacred trusteeship, used due diligence? Have its members realized, in the depths of their hearts, its duties and their urgent importance? Or has not the language of our legislative action rather been but this: "The Smithsonian fund? Ah, true! That's well thought of. One forgets these small matters. We ought certainly to attend to it—one of these days, if we could only find time." We are as the guests in the parable, bidden to the marriage feast. "I have married a wife, and therefore I cannot come." "I have bought a yoke of oxen, and must needs remain at home to prove them." Let us see to it, that the condemnation passed upon their paltry excuses fall not, with double force, upon our supineness in this thing.

There are those among the strict constructionists of the House who will vote to return this fund to the British Court of Chancery; alleging that we have no constitutional power to receive or to administer it. I suppose, judging from the tenor of the amendment moved by the gentleman from Tennessee, [Mr. G. W. Jones,] that he will so vote.

Mr. Jones. I certainly shall.

Mr. Owen. Well, sir, though I share not the gentleman's constitutional scruples, yet I, too, if action in this matter be much longer delayed, shall join in a vote to send back the money to the country whence it came. There is not common honesty in a man who shall receive a trust fund even for an object the most indifferent, and then keep the money in his hands, without applying it according to the will of the legator. What, then, shall we say of a great Government, that accepts, solemnly accepts, before God and man, a bequest for a purpose sacred and holy, if any such purpose there be upon earth, and then, indolent or indifferent, so braves the just censure of the world, so disappoints the generous confidence reposed in it, as to neglect and postpone,

year after year, every measure for the administration of that bequest?

Delay is denial. We have no more right to put off, throughout long years, the appropriation of such a fund, than we have to direct it to our own private purposes. Nonuse works forfeiture as surely as misuse. Mr. Richard Rush, through whose agency the fund was realized and remitted to this country, in a paper read two years ago, before the National Institute, remarks, that if this delay of action had been anticipated by the English chancery judges, it "might have forestalled the decree in our favor, in the unrestricted manner in which it was made." He adds: "It is at least known, that the English Court of Chancery is slow to part with trust funds under any ordinary circumstances, without full security that they will not be diverted from their object, *or suffered to languish in neglect.* That tribunal asked no such security from the United States. It would have implied the possibility of laches in the high trustee."—*Paper read April* 8, 1844.

Thus we are not legally accountable. The heavier, for that very reason, is our moral responsibility. The gambler, beyond the pale of the law, commonly retains honor enough to meet his promises. We have less than the gambler's honor if, sheltered behind our sovereignty, we take advantage of the impunity it affords, and become unfaithful to a high and imperative duty.

I impute not to an American Congress—I attribute not to any of my fellow-members—the deliberate intention to neglect the objects of this trust. There is, doubtless there always has been, a right feeling on this subject. The just cause of complaint is, that this right feeling, like many other good intentions in this world, has never ripened into action. "When you feel nobly and intend well, go and do something! Do some good; it avails nothing merely to think about it." Such were the words, pronounced from yonder desk, by a teacher whose impressive eloquence recently filled this hall. I thought of the Smithsonian bequest when I heard them.

Nor is it difficult to distinguish the reason, though it furnish no sufficient apology for this prolonged inaction. It is to be ascribed, though in part to indifference, yet chiefly to the difficulty of selecting between various and conflicting plans. The words of the will, liberal and comprehensive, do not indicate the specific mode in which the intentions of the testator shall be carried into effect. Mr. Smithson left the whole of his property, failing certain relatives, and an old

servant, (now all deceased,) "to the United States of America; to found, at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men."

"An institution for the increase and diffusion of knowledge among men." These are the words, and the only words, that remain to us as a guide in framing a Smithsonian bill; our sole guide; unless, indeed, we are to summon, as a commentary on the text of the will, and an additional indication of the probable intentions of Mr. Smithson, such particulars as have reached us touching his private character and habits. These are very scanty. Mr. Rush says:

"What I have heard and may confide in, amounts to this: that he was, in fact, the natural son of the Duke of Northumberland; that his mother was a Mrs. Macie, of an ancient family in Wiltshire, of the name of Hungerford; that he was educated at Oxford, where he took an honorary degree in 1786; that he does not appear to have any fixed home, living in lodgings while in London, and occasionally staying a year or two at a time in cities on the continent, as Paris, Berlin, Florence, Genoa, at which last he died; and that the ample provision made for him by the Duke of Northumberland, with retired and simple habits, enabled him to accumulate the fortune which now passes to the United States."—*Report* 277, *H. R.*, 26*th Cong.*, 1*st. Sess.*, *p.* 99.

Mr. Rush further says:

"He interested himself little in questions of government, being devoted to science, and chiefly chemistry. This had introduced him to the society of Cavendish, Wollaston, and others advantageously known to the Royal Society in London, of which he was a member."—*Ibid.*

In a "Memoir of the Scientific Character and Researches of James Smithson," prepared two years ago by Professor Johnson, of Philadelphia, there are enumerated twenty-four papers or treatises by Smithson, published in the "Transactions of the Royal Society," and other scientific journals of the day, containing contributions chiefly to the sciences of mineralogy, geology, and, more especially, mineral chemistry. Some of these contain acute suggestions regarding geological theories, since confirmed by more modern observation; others evince the minute care and accuracy demanded by quantitative analysis; while one or two, of a more humble character, show that the man of science disdained not to apply his knowledge to common things, even to the details of domestic economy. In the "Annals of Philosophy," (vol. xxii, p. 30,) he has a brief tract on the "method of making coffee." It contains the following excellent observation:

"In all cases means of economy tend to augment and diffuse comfort and happiness. They bring within the reach of many what wasteful proceeding confines to the few. By diminishing expenditure on one article, they allow some other enjoyment which was before unattainable."

Even in a trifle like this we may trace the utilitarian simplicity and practical benevolence of James Smithson.

The will determines the name of the institution, and renders imperative its location at Washington. It decides also, that a Smithsonian Institution shall have two distinct objects; one to *increase* the sum of human knowledge, the other to aid in its *diffusion:* for we cannot imagine the terms to have been employed as synonymous. From the character of the testator's pursuits, we may fairly infer, further, that a Smithsonian bill, framed in accordance with the evident intentions of Smithson himself, must include the natural sciences, and especially chemistry, together with their application to the useful arts of life, among the branches of knowledge to be increased and diffused. And, as his own habits were frugal and unostentatious, so, in all its details, should be the institution that bears his name.

Suffer me now briefly to pass in review the history of our legislative proceedings in this matter.

The money was paid into the United States Treasury on the 1st of September, 1838. On the 6th of December, of the same year, President Van Buren sent a message to Congress, informing that body, that he had in July, 1838, directed the Secretary of State "to apply to persons versed in science, and familiar with the subject of public education, as to the mode of disposing of the fund best calculated to meet the intentions of the testator, and prove most beneficial to mankind."

From the wording of this message we may infer that Mr. Van Buren considered the advancement of *science* and of *public education* the proper object of a Smithsonian Institution.

He communicated to Congress the replies received. A brief abstract of the more important of these may be useful and interesting at this time.

Professor Wayland proposed a university of a high grade to teach Latin, Greek, Hebrew, and the Oriental languages, together with a long list of other branches, including rhetoric and poetry, intellectual philosophy, the law of nations, &c. A bill substantially based upon this recommendation, was introduced in 1839, into the Senate; and, on the 25th of February of that year, after full debate, was laid on the table by a vote of twenty to fifteen.

Dr. Cooper proposed a university, to be opened only to graduates of other colleges, to teach the higher branches of mathematics, including its application to astronomy, chemistry, &c.; also, the principles of botany and agriculture.

No Latin or Greek; no mere literature; no medicine or law. The above recommendations in regard to botany and agriculture, and also those excluding the learned languages and professions, have been adopted in the present Smithsonian bill.

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The venerable gentleman from Massachusetts [Mr. Adams] who has labored in this good cause with more zeal and perseverance than any other man, expressed, in his reply, the opinion, that no part of the fund should be devoted "to the endowment of any school, college, university, or ecclesiastical establishment:" and he proposed to employ seven years' income of the fund in the establishment of an observatory, with instruments and a small library. This proposal was afterwards, at no less than four different sessions, incorporated in a bill; but failed on these occasions, among the unfinished business. I believe I am authorized in saying for the gentleman from Massachusetts, that inasmuch as these, his intentions, have been since otherwise carried out, and as we have already, in this District, a Government observatory, at least equal in everything but the experience of its observers to the Royal Observatory at Greenwich, he has ceased to press that proposal.

Though the plan actually proposed by the gentleman from Massachusetts was restricted, for some years, to an observatory, he yet recognized, as in accordance with the language of the bequest, "the improvement of all the arts and sciences." In a report made in 1840, he adds:

"A botanical garden, a cabinet of natural history, a museum of mineralogy, conchology, or geology, a general accumulating library, are undoubtedly included within the comprehensive grasp of Mr. Smithson's design."—*H. R. Report No.* 277, 26*th Cong.* 1*st. Session, p.* 18.

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has been reported to the House. The gentleman also recommended, that the original fund (it is about $515,000) be preserved unimpaired, and that yearly appropriations be made from the accruing interest only, (which will amount, on the first of July next, to about $242,000;) a feature which has been incorporated, I believe, in every Smithsonian bill heretofore submitted to Congress. The restrictions suggested by the gentleman from Massachusetts, have been so far retained in the present bill as to exclude from the Institution "any school of law, medicine, or divinity, or any professorship of ancient languages."

At the last session, a bill was introduced into the other branch by Senator Tappan. Its plan included an experimental farm, botanical garden, and conservatories; cabinets of natural history, a chemical laboratory, a library with an annual appropriation not exceeding five thousand dollars, scientific lectureships, and an establishment for printing scientific tracts and other useful treatises. All instruction to be gratuitous.

This bill was subsequently so amended by the Senate, that the lectures were restricted to a course or courses to be delivered during the session of Congress, at an expense not exceeding five thousand dollars annually; and the printing, to a publication of these lectures; while the annual appropriation for a library was to be "not less than twenty thousand dollars."

The experimental farm, botanical garden, and conservatories, as well as the museum, laboratory, and scientific cabinets, were nominally retained: but how these were to be supported, considering that at least two-thirds of the entire income was annually to be spent on the library, does not very clearly appear.

This library plan, as it was commonly called, passed the Senate and reached our House. An amendment or substitute, nearly similar to the present bill, was substituted by myself and printed; but, in the hurry of a short session, the whole matter was left once more among the unfinished business.

As this Senate bill is the only one, establishing a Smithsonian Institution, that has yet passed either branch of Congress, its principal feature demands our deliberate and respectful consideration.

The library contemplated by this bill, it was expressly provided, was to be "of the largest class of libraries now in the world." We shall better understand both the object and the cost of this proposal, by taking as a commentary

thereon some of the remarks with which it was introduced by its author, then a distinguished member of the other branch, but no longer there to adorn its debates with the gay flowers of his brilliant eloquence.

He objected to limiting the cost of the library building to one hundred thousand dollars; seeing, as he reminded the Senate, that the "largest class" of public libraries contain from a quarter of a million to upwards of a half a million of volumes. He said:

"Twenty thousand dollars a year for twenty-five years are five hundred thousand dollars; and five hundred thousand dollars directly expended, not by a bibliomaniac, but by a man of sense and reading, thoroughly instructed in bibliography, would go far, very far, towards the purchase of as good a library as Europe can boast."—*Speech of Senator Choate, January* 8, 1845.

He adds, a little further on, that "such a step taken, we should never leave the work unfinished;" and that when finished, it would "rival anything civilization has ever had to show."

He argues of the value and importance of such a library after this wise:

"I do not know, that of all the printed books in the world, we have in this country, more than fifty thousand different works. The consequence has been felt and lamented by all our authors and all our scholars. It has been often said that Gibbon's History could not have been written here for want of books. I suppose that Hallam's Middle Ages, and his Introduction to the Literature of Europe, could not. Irving's Columbus was written in Spain; Wheaton's Northmen prepared to be written in Copenhagen. See how this inadequate supply operates. An American mind kindles with a subject; it enters on an investigation with a spirit and ability worthy of the most splendid achievement; goes a little way, finds that a dozen books —one book, perhaps—is indispensable, which cannot be found this side Gottingen or Oxford; it tires of the pursuit, or abandons it altogether," &c.

And the Senator branches off, in his own brilliant style, into a dissertation on the value and importance of such a library: "a vast store-house," says he; "a vast treasury of all the facts which make up the history of man and of nature;" * * "a silent, yet wise and eloquent teaeher; dead, yet speaking; not dead! for Milton has told us: 'a good book is not absolutely a dead thing—the precious life-blood rather, of a master spirit; a seasoned life of man, embalmed and treasured up, on purpose to a life beyond life.'"

If the question were between a library and no library; between books and no books; the language thus employed, fervid as it is, would be all insufficient to shadow forth the towering magnitude of the subject. John Faust—if indeed, to the goldsmith of Mentz the world owe the art of type-setting—conferred on his race a greater boon than ever before did living man. There is no comparison to be made

between the effects of the art of printing and those of any other discovery put forth by human wit. There is nothing to which to liken it. It was a general gaol-delivery of the thoughts of the world. It was a sending forth of these winged messengers, hitherto bound down each in his own narrow sphere, emancipated, over the earth. And that was the great day, not of Intellect only, but of Freedom also. Then was struck the heaviest blow against law giving for the mind. The Strombolean Cave was opened; the long-pent winds of opinion set free; and no edict-framing Æolus could crib and confine them to their prison-house again.

Yes! well might Faust incur the charge of demonocracy! for, almost to the letter, has his wondrous craft realized, in our day, the fables of eastern romance. Draw a chair before your library, and you have obtained the magical carpet of the Arabian tale; you are transported, at a wish, farther than to Africa's deserts or India's groves; not to other climes only, but to other times also. The speaking page introduces you, not to your cotemporaries alone, but to your ancestors, through centuries past. The best and the wisest of former generations are summoned to your presence. In books exists the by-gone world. By books we come into contact with the mankind of former ages. By books we travel among ancient nations, visit tribes long since extinct, and are made familiar with manners, that have yielded, centuries ago, to the innovating influences of time. Contracted, indeed, is his mental horizon, limited, his sphere of comparison, whose fancy has never lived among the sages and heroes of the olden time, to listen to their teachings, and to learn from their achievements.

As far as the farthest, then, will I go, in his estimate of the blessings which the art of printing has conferred upon man. But such reasoning bears not on the proposal embraced in the Senate bill. It substantiates not at all the propriety of spending half a million, or two, or three half millions of dollars, to rival the bibliomaniacs of Paris and of Munich.

A library of Congress we already have; a library of forty or fifty thousand volumes; a library increasing at the rate of one or two thousand volumes a year. The Smithsonian bill before you permits, in addition, an expenditure not exceeding ten thousand dollars a year for this object. Say that but half that sum is annually expended by the managers; and still, in some twelve or fifteen years, the two libraries will probably number from eighty to a hundred thousand volumes. Are there a hundred thousand volumes

in the world worth reading? I doubt it much. Are there four thousand volumes published yearly worth buying? I do not believe there are. A small garner suffices to store the wheat; it is the chaff that is bulky and fills up the store-house. Books are like wealth. An income we must have to live; a certain amount of income to live in comfort. Beyond a certain income the power of wealth to purchase comfort, or even wholesome luxury, ceases altogether. How much more of true comfort is there in a fortune of a million of dollars than in one of fifty, or say a hundred thousand? If more there be, the excess is hardly appreciable; the burden and cares of a millionaire outweigh it tenfold. And so also, of these vast and bloated book-gatherings, that sleep in dust and cobwebs on the library shelves of European monarchies. Up to a judicious selection of thirty, fifty, a hundred thousand volumes, if you will, how vast—yea, how priceless—is the intellectual wealth! From one to five hundred thousand, what do we gain? Nothing? That would not be true; a goblet emptied into the Pacific adds to the mass of its waters. But if, within these limits, we set down one book out of a hundred as worth the money it costs, we are assuredly making too liberal an estimate.

I pray you, sir, not to stretch these strictures beyond their precise application. I am not one of those who judge slightingly the learning of the past. We find shining forth from the dark mass of ancient literature, gems of rare beauty and value; unequalled, even to-day, in purity and truth. But, then, also, what clouds of idle verbiage! What loads of ostentatious technicalities! It is but of late years that even the disciple of science has deigned to simplify and translate; formerly his great object seems to have been to obscure and mystify. The satirist, in sketching an individual variety, has aptly described the species, when he says:

> "The wise men of Egypt were as secret as dummies,
> And even when they most condescended to teach,
> They packed up their meaning, as they did their mummies,
> In so many wrappers, 'twas out of one's reach."

But there are such noble enterprises as those of Gibbon and Hallam; valuable to all; doubly valuable to the moralist and statesman. And in regard to such it is argued that if one of our own scholars, fired with generous ambition to rival the historians of the Old World, enters on such a task, he may find that a dozen, or perhaps a single book, necessary for reference, "cannot be found this side of Gottingen or Oxford." Suppose he does, what is the remedy? A very simple one suggests itself: that he should order, through an importer

of foreign books, the particular work which he lacks. To save him the trouble and expense of so doing, the friends of the mammoth library scheme propose—what? That we should begin by expending half a million of dollars, which would "go far towards the purchase of as good a library as Europe can boast;" that "such a step taken, we should never leave the work unfinished;" and that, when finished, it would "rival anything civilization has ever had to show."

It is prudent, before we enter this rivalship, to count its cost. Without seeking to reach the seven hundred thousand volumes of the Parisan library, let us suppose we try for the half million of volumes that form the boast of Munich, or fill up the shelves of the Bodleian. Our librarian informs me that the present Congressional library (certainly not one of the most expensive) has cost upwards of three dollars a volume; its binding alone has averaged over a dollar a volume. The same works could be purchased now, it is true, much more cheaply; but, on the other hand, the rare old books and curious manuscripts necessary to complete a library of the largest class would raise the average. Assuming, then, the above rate, a rival of the Munich library would cost us a million and a half of dollars; *its binding alone* would amount to a sum equal to the entire Smithsonian fund, as originally remitted to us from England.

And thus, not only the entire legacy which we have promised to expend so that it shall increase and diffuse knowledge among men, is to be squandered in this idle and bootless rivalry, but thousands on thousands must be added to finish the work from what source to be derived, let its advocates inform us. And when we have spent thrice the amount of Smithson's original bequest on the project, we shall have the satisfaction of believing that we may possibly have saved to some worthy scholar a hundred, or perchance a few hundred dollars, which otherwise he must have spent to obtain from Europe half a dozen valuable works of reference!

But there are other reasons urged for this appropriation of the Smithsonian fund.

"There is something to point to, if you should be asked to account for it unexpectedly; and something to point to if a traveler should taunt you with the collections which he has seen abroad, and which gild and recommend the absolutisms of Vienna or St. Petersburg."—*Senator Choate's Speech, as above.*

This purchasing of a reply to some silly traveler's idle taunts, at a cost of a million and a half of dollars, includ-

ing a fund sacredly pledged to human improvement, seems to me a somewhat costly and unscrupulous mode of gratifying national vanity. It is ineffectual, too; unless we are prepared to add a few millions more, to buy up—if money *could* buy!—the means of reply to other taunts, quite as just and quite as likely to be cast up to us. There is the Vatican, with its

> "Statues but known from shapes of the earth,
> By being too lovely for mortal birth."

There is the Florence Gallery, with its

> "Paintings, whose colors of life were caught
> From the fairy tints in the rainbow wrought—"

images of beauty, living conceptions of grandeur, refining, cultivating, elevating; worth all the musty manuscripts of Oxford, ten times told! How are we to escape the imputation that our rude land can show no such triumphs of art as these? Are we to follow Bonaparte's plan? Are we to carry war into the land of the olive and the vine; and enrich this city, as the French Emperor did his capital, with the artistical spoils of the world? Unless we adopt some such plan, must not Europe's taunts remain unanswered still?

And let them so remain! I share not the feelings of the learned and eloquent Senator to whose remarks I have taken liberty to reply, when he says:

> "I confess to a pang of envy and grief, that there should be one drop or one morsel more of the bread or water of intellectual life tasted by the European than by the American mind. Why should not the soul of this country eat as good food, and as much of it, as the soul of Europe."

It grieves me not, that the fantastic taste of some epicure in learning may chance to find, on the book-shelves of Paris, some literary morsel of choice and ancient flavor, such as our own metropolis supplies not. I feel no envy, if we republicans are outdone by luxurious Europe in some high-seasoned delicacy of the pampered soul. Enough have we to console ourselves!—objects of national ambition, how much higher, how infinitely nobler than these!—objects of national pride, before which these petty antiquarian triumphs dwarf down into utter insignificancy! Look abroad over our far-spreading land, then glance across to the monarchies of the Old World, and say if I speak not truth!

I have sojourned among the laborers of England; I have visited, amid their vineyards, the peasantry of France; I have dwelt for years in the midst of the hardy mountain-

eers of Switzerland. I have seen, and conversed, and sat down in their cottages with them all. I have found often among them simple goodness; ignorance, oppression, cannot trample out that. I have witnessed patience under hopeless toil, resignation beneath grievous wrongs; I have met with civility, kindness, a cheerful smile, and a ready welcome. But the spirit of the man was not there!—the spirit that can lift up its brow with a noble confidence, and feel that, while it is no man's master, neither is it any man's slave. Between them and the favored of capricious fortune, one felt—*they* felt—there was a great gulf fixed, broad, impassable.

Far other is it even in the lowliest cabin of our frontier West. It is an equal you meet there; an equal in political rights; one to whom honors and office, even the highest, are as open as to yourself. You feel that it is an equal. The tone in which hospitality is tendered to you, humble though means and forms may be, reminds you of it. The conversation, running over the great subjects of the day, branching off, perhaps, to questions of constitutional right, or international law, assures you of it.

I have heard in many a backwoods cabin, lighted but by the blazing log heap, arguments on government, views of national policy, judgments of men and things, that, for sound sense and practical wisdom, would not disgrace any legislative body upon earth.

And shall we grudge to Europe her antiquarian lore, her cumbrous folios, her illuminated manuscripts, the chaff of learned dullness that cumbers her old library shelves? A "pang of envy and grief" shall we feel? Out upon it! Men have we; a people; a free people; self-respecting, self-governing; that which gold cannot buy; that which kings cannot make! Grief! Envy! Theirs let it be, who look upon this young land, in her freshness, in her strength! Let them feel it who behold, from afar, our people bravely battling their onward way; treading, with liberty at their side, the path of progressive improvement; each step upward and onward; onward to the great goal of public virtue and social equality.

Equality! I spoke of our citizens as equals; equals in the sense of the Declaration of Independence; equals in political privilege; in the legal right to the pursuit of happiness. Equals, in a restricted sense of the term, men never can be. The power of intellect will command, while the world endures; the influence of cultivation will be felt, while men continue to live upon earth; and felt the more,

the longer the world improves, the better men become. Unequal then, in their influence over their fellows; unequal, in the space they fill in the world's thoughts; unequal, in the power with which they draw after them the hearts of many—thus unequal, to some extent, men must ever be.

But here arises a great question; a practical question; an inquiry especially pertinent to the subject before us. The natural inequality of man is a thousand times increased by artificial influence throughout society. Is that well? or if not well, can it be avoided? Or if not avoided, can it be lessened? I feel assured that it can be much lessened. I am not sanguine enough to believe that I—perhaps not my children, even—shall see the day, when equality of education shall prevail, even in this republican land. But I hold it to be a republican obligation to do all that we properly and constitutionally may, in order gradually to reach, or at least to approach, that period. I hold it to be a democratic duty to elevate, to the utmost of our ability, the character of our COMMON SCHOOL INSTRUCTION. I hold this to be a far higher and holier duty than to give additional depth to learned studies, or supply curious authorities to antiquarian research.

Guided by such considerations, I incorporated in the bill before you, as one of its principal features, a NORMAL BRANCH. This, and the clause providing for original researches in natural science, are the only important additions that have been made in it to Senator Tappan's bill of last session.

Normal schools—that is, schools to teach teachers, to instruct in the science of instruction—are an improvement of comparatively modern date. The first ever attempted seems to have been in Prussia, established about the year 1704, by Franke, the celebrated founder of the Orphan House of Halle. They have gradually increased in number and favor from that day to this, in all the more civilized nations of Europe; and Mrs. Austin, in her preface to Cousin's "Public Instruction in Prussia," remarks, that the progress of primary instruction in Europe *may be measured by the provision made for the education of teachers.*

A detailed account of the Normal Schools of Europe is given in the ninth chapter of Professor Bache's "Report on Education in Europe," made to the Trustees of the Girard College. Mr. Bache visited Europe under instructions from the committee of the institution; and his excellent report, full of practical details and accurate statistics, is a redeeming point in the management of that trust.

Two States only of our Union have yet established State normal schools: Massachusetts and New York. Massachusetts has three, educating in all about two hundred pupils; and New York has one, containing about the same number of students; the sole object of both being, *to educate teachers of common schools.* The experiment has been signally successful. The report for 1844 of the Massachusetts Board of Education, says of one of their schools, (that at Lexington):

"Such is the reputation of this school, that applications have been made to it from seven of our sister States for teachers."

And Mr. Horace Mann, Secretary of the Massachusetts Board of Education, writes to me:

"When first opened in Massachusetts normal schools were an experiment in this country. Like all new ideas, they have had to encounter serious obstacles; but they have triumphed over every species of opposition, have commended themselves more and more every year, to the good sense of our people, and we now have the pleasure, not only of seeing them firmly established here, but of knowing that their success has given birth to a similar institution in the State of New York, and promises ere long to do the same in other States."

The normal branch of the Smithsonian Institution is intended not by any means to take the place of State normal schools, but only in aid of them; as an institution in the same department, supplemental to these, as they may gradually increase throughout the Union, but of a higher grade, and prepared to carry forward young persons who may have passed through the courses given in the former, or others who desire to perfect themselves in the most useful of all modern sciences, the humble yet world-subduing science of primary education; an institution, also, in which the improvement and perfecting of that republican science shall be a peculiar object; an institution, finally, where we may hope to find trained, competent, and enlightened teachers for these State normal schools.

As an essential portion of this normal department, professorships of the more useful arts and sciences are to be provided for. The character of common school education, especially in the northern Atlantic States, is gradually changing. Twenty years ago, De Witt Clinton, in his annual message, expressed the opinion that in our common schools "the outlines of geography, algebra, mineralogy, agricultural chemistry, mechanical philosophy, astronomy, &c., might be communicated by able preceptors, without essential interference with the calls of domestic industry." This opinion is daily gaining strength, and has been partially

acted upon in several of the New England States. In the city of New York, also, a small advance towards it has been already made. Recently the board of trustees of the public schools in that city, adopted among other resolutions, the following:

"*Resolved*, That a portion of time not exceeding one hour a week be appriated to employments incident to elementary instruction in subjects of natural science."

In accordance with these gradually enlarging views, the course of study of the New York State normal schools, as I learn by the printed circular which I hold in my hand, embraces natural philosophy, chemistry, human physiology, history, the elements of astronomy, &c., in addition to the special lectures on the theory and practice of teaching. These various advances, thus sanctioned by public opinion, indicate that a normal department in the Smithsonian Institution, to be worthy of the age, must include scientific courses by some of the ablest men of the day.

It is also, by the bill, specially made a part of the duty of these men to institute scientific researches. In these, as we have seen, Smithson spent the greater part of his life. And it cannot be doubted that, were he yet alive and here to-day to explain his wishes, *original researches in the exact sciences* would be declared by him a part of his plan. With the knowledge of his life and favorite pursuits before us, and the words of his will specifying the *increase* as well as the diffusion of knowledge for our guide, it seems nothing less than an imperative duty to include scientific research among the objects of a Smithsonian Institution.

I said an imperative duty. Such is the nature of our obligation to fulfil whatever we may fairly infer to have been Smithson's intentions. This money is not ours; if it were, we might take counsel from our own wishes and fancies, in its appropriation. But it is merely intrusted to us, and for a specific purpose. Mr. Adams, in his report made in 1840, well says:

"In the commission of every trust there is an implied tribute of the soul to the integrity and intelligence of the trustee; and there is also an implied call for the faithful exercise of these properties to the fulfilment of the purpose of the trust. The tribute and the call acquire additional force and energy when the trust is committed for performance after the decease of him by whem it is granted, when he no longer exists to witness or to constrain the effective fulfilment of his design."

And these considerations seem to me, also, conclusive against the great library plan. In the first place, Smithson's own pursuits were scientific, not antiquarian. In the sec-

ond, had he desired merely to found a library, it is reasonable to suppose he would have said so.

The bill, as reported to the House, has been framed in that spirit of compromise so necessary in this world of a thousand opinions. The importance of the chief objects at which it aims will be conceded by all—the advancement of agriculture, the improvement of primary education, and the prosecution of scientific research. And if even, in its practical effects, the plan fall short of the anticipations of its friends, suffer me to ask you, what is the alternative in the Senate bill of last year, the only one that has yet found favor enough to succeed in either branch? Beyond the library scheme and the professorship of agriculture, (a feature equally in that bill and this,) what is proposed? Public lectures, to be delivered in this city "during the sessions of Congress." Who is to profit by these lectures? Let the author of the plan answer:

"Who would their audiences be? Members of Congress, with their families; members of the Government, with theirs, some inhabitants of the city, some few strangers, who occasionally honor us with visits of curiosity or business. They would be public men, of mature years and minds; educated, disciplined, to some degree; of liberal curiosity, and appreciation of generous and various knowledge."—*Speech of Senator Choate as above.*

Here is a plan for gratuitous lectures to be delivered to members of Congress and of the Government, with their families; to some citizens of Washington, and a few passing strangers; to men—so it is expressed—educated, disciplined; already capable of "appreciating generous and various knowledge." And this, as the mode the most effectual, the most comprehensive, the most just and equal, to increase and diffuse knowledge among men! We are to pass by all plans that may reach and benefit the people, by improving their education and elevating the character of their teachers; all proposals, even, to scatter broadcast among them useful tracts, popular treatises; all projects, in short, to distribute among them the bread and water of intellectual life wherever these are craved; and we are to adopt, in their stead, a course of lectures expressly restricted to the sessions of Congress, expressly prepared for ourselves and for a few Government officers and strangers; a course of lectures to be especially adapted to an audience already favored by fortune and education—already, as we are complacently told, of mature minds and above all need of elementary instruction!

Sir, over the entire land must the rills from this sacred fountain freely flow; not to be arrested and walled up here,

to minister to our pleasure or convenience. We greatly mistake, if we imagine that our constituents are indifferent to the privilege of drawing from these waters of knowledge; that they cannot appreciate their fertilizing influence. If there be one feeling more powerful than another in the hearts of the millions of this land, even through its remotest forests, it is that the intellectual cultivation which circumstances may have denied them shall be secured to their children. They value, sometimes even beyond their worth, the literary advantages, by aid of which the few commonly distance their competitors in the paths of emolument and honor. Ay, and beyond this, they feel—do we not all feel? —that we are not in temper, in habits, in feelings, or in intelligence, what we ought to be, or what we might have been; that our nature was better than our education. They feel—has not the most careless among us felt it too?—that there are springs of virtue within us that have seldom been touched; generous aspirings that have scarcely been called into action; capabilities of improvement that have hardly been awakened; capabilities of enjoyment that have been turned to fountains of bitterness. If we might now re-educate ourselves even from the cradle upwards, developing each mental power and moral faculty, checking the rising vice and cultivating the nascent virtue; bending the pliant habit to reason, and mastering the evil passions at its birth —how gladly would we grasp at the offer! how dearly value the privilege! And what selfishness would do for itself, think you not that parental affection desires for its offspring? Yes, vice itself desires it! Stronger than the thirst after riches; deeper than the craving for power, springing from the best and most enduring of human instincts, is the parent's longing for the welfare of his child! Criminal he may be; ignorant he may be; reckless even of his own character, hopeless of a reputable standing for himself; but his children! if brutish excesses have not utterly quenched the principle of good within him—for them there is still a redeeming virtue in his soul; a striving after better things; a hope that they may escape the vices which have degraded him; that they may emerge from the ignorance in which he is benighted, if not to wealth and honor, at least to fair fame and honest reputation—a credit to his blighted name, and a comfort to his declining years.

Such are the sentiments that spring up to meet us from among the people; shared by the bad as well as the good; universal in their prevalence. And it is to such sentiments, the best earnest of progressive improvement in man, that

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the provisions of this bill ought, so far as the amount of the legacy and the terms of the will permit, to respond.

Such views are in accordance with the spirit of the age, and the wants of the times. It is not a world all of flowers and sunshine, this we live in. It is a world, where thousands are starving; where tens of thousands toil to live—live, only to die! It is a world, where cruel suffering exists, where shameful crimes are committed, where terrible oppression is endured, where dark ignorance is found. It has scenes of wrong, and outrage, and guilt, and woe. They rise before us. They thrust themselves on our attention. Not to gild, not to embellish; a graver, a sadder duty is his, who would aid in such a world's improvement.

To effect permanent good in such a world, we must reach the minds and the hearts of the masses; we must diffuse knowledge *among men;* we must not deal it out to scholars and students alone, but even to Tom, Dick, and Harry; and then, as a wise and witty female writer of the day expressed it, "they will become Mr. Thomas, and Mr. Richard, and Mr. Henry." They may not become profound scholars, erudite graduates;—nor is that necessary. Well to know common things is the essential. It is not elaborate learning that most improves the world, or that exerts most influence in its government. Working-day knowledge is simple, almost in the ratio of its importance; and Milton has told us,

> "That not to know at large of things remote
> From use, obscure and subtle, but to know
> That which before us lies, in daily life,
> Is the prime wisdom."

The ancient masters realized not these truths. With the millions they had no sympathy. In private, and to the initiated few alone, did they deign to unroll the mystical page of their philosophy; they scorned to expose it to the gaze of the profane vulgar.

Thanks to the stirring spirit of progressive improvement, all this, in our age, is changed. By modern teachers the PEOPLE are spoken of, spoken to, cared for, instructed. To the people the characteristic literature of the day is addressed. What has become of the ponderous folio, in which the learning of the Middle Ages used to issue, to a small and exclusive circle, its solemn manifesto? Now we have the slender pamphlet, the popular tract, the cheap periodical, cast forth even to the limits of civilization, penetrating into every nook and corner of the land; often light, often worthless, but often, too, instructive, effective;

written for the masses, reaching the masses; and awaking, far and wide, a consciousness of deficiency, a spirit of inquiry, a desire to know more.

The people govern in America. Ere long, the people will govern throughout the habitable earth. And they are coming into power in an age when questions of mighty import rise up for their decision. They who govern should be wise. They who govern should be educated. They who decide mighty questions should be enlightened. Then, as we value wise government, as we would have the destinies of our kind shaped by an enlightened tribunal, let the schools of the people, and the teachers who preside in these schools, and the system that prevails in these schools, be our peculiar care.

We cannot reform the world, no, nor provide instruction for a great nation, by any direction given to half a million of dollars. But something, even in such a cause, may be effected by it—something, I devoutly believe, that shall be felt all over our broad land. The essential is, that, if little we can do, that little be well done—be done faithfully, in the spirit of the trust, in the spirit of the age—in a spirit not restrictive, not exclusive, but diffusive, universal.

Mr. JONES modified his motion as follows:

Strike out all the bill after the word "be" in the sixth line of the first section, and insert—

"Paid by the Secretary of the Treasury to the heirs-at-law or next of kin of the said James Smithson, or their authorized agents, whenever they shall demand the same: *Provided*, That the Secretary of the Treasury shall, in paying over said money as herein directed, deliver to said heirs all State bonds or other stocks of every kind which have been purchased with said money, or any part thereof, in lieu of so much of said money as shall have been so invested in State bonds or other stocks. And the balance of said sum of money, if any, not so invested, shall be paid out of any money in the Treasury not otherwise appropriated."

Mr. G. W. JONES said it was not his purpose to make a speech on this occasion; but believing, as he did, that this whole matter was wrong; that this Government, in the first instance, had no right and no power to accept of this trust fund, he was in favor of returning the amount of the money or of the stocks in which that money has been invested, to the heirs-at-law or next of kin of the late Mr. Smithson, whenever they shall make the demand of the Government. He admitted the right of the Government "to borrow money" under the constitution, but denied that it had any particle of power to deal in stocks or to loan money. We had no power either to receive this money in the first instance, or to invest it in State stocks

and fund it, as this bill proposed to do, in perpetuity upon the Government. He wanted to create no such debt upon this Government. He was satisfied that his constituents desired no such debt funded—no such burden imposed upon them.

But waiving the objection of the want of power on the part of the Government, he was still opposed to the establishment of an institution like that proposed in the bill under the direction and patronage of the Government of the United States. He would be the last man on this floor to say or do anything on this floor or elsewhere to obstruct the enlightenment and education of the people; he was as thoroughly satisfied of the benefits of education as anybody, but he could not sanction the establishment of such an institution under the direction of the Government of the United States. Where might it end? What might such an institution come to be in the course of events? This $513,000 was to be funded at six per cent. interest forever. Was there a friend of this measure; was there one who had reflected for a moment on the proposition, who believed that when once established they would stop at the appropriation of this six per cent. interest annually for its support? It was, in his opinion, nothing more than the entering wedge to fastening upon the United States an institution the expenses and appropriations for which would be augmented at almost every session of Congress.

It was neither the right, the power, or the true policy of the Government to attempt to rear up here in the city of Washington an institution for the education of school teachers, of agricultural professors, &c., to send out into the country. There was too great a tendency to centralization in this Government already, in his opinion. The legitimate and appropriate sphere of this Government was to take care of our concerns with foreign Powers, leaving our domestic laws and regulations to be made by the State Legislatures. Every measure of this kind had the tendency to make the people throughout the country look more to this great central power than to the State Governments.

He had not risen for the purpose of making a speech, but of submitting a few remarks in explanation of his amendment.

Mr. Sawyer (Mr. J. giving way) said the gentleman's proposition, if he understood it aright, was to refund this money to the heirs of Smithson. Now he was well informed that Mr. Smithson had no heirs whatever. And if such

was the fact, he wished to ask of the gentleman how his amendment could be made operative?

Mr. JONES replied that certainly, if he never had heirs, it would be difficult to find them. But he understood that, though he had no children, he had a brother, who was once in this country; and his amendment proposed to refund this money to the heirs or *next of kin* of James Smithson.

In conclusion, he remarked that, if his proposition failed, and this Smithsonian Institution was to be established, he should then be in favor of handing over the State stocks, which were purchased by this money, to the managers of the Institution, and of letting them conduct it independently of the Government. And, voting for this proposition, all that related to the establishment of a body politic and corporate, he should also wish to have stricken out, for he would vote for the establishment of no corporation by this Government.

Mr. J. R. INGERSOLL expressed his favor for the general features of the bill, but before entering upon the direct question, he directed a few remarks to the amendment of Mr. Jones, which he considered entirely futile, as far as any idea of refunding the money to heirs was concerned, inasmuch as it was ascertained beyond doubt that Mr. Smithson had no heirs or next of kin. He had had one son, who died during his minority; and thereupon this Government, as the residuary legatee, came in possession of the property in legal form from the attorneys in chancery of the executors of Mr. Smithson, at London. This amendment, if carried out into a law, therefore, would result in working a forfeiture of the funds to the British Government. But Mr. Ingersoll contended, that as we had received it by solemn act of Congress, and retained it for eight long years, it was now binding, on the ground of faith, honor, and duty, to appropriate it in the manner designed by the testator himself; and the fact that this fund had been invested by the Treasurer of the United States, under direction of Congress, in Arkansas stocks, did not affect this question in any respect; the Government of the United States being always responsible for the restoration of this fund, and the devotion of it to the proper objects. The fund was sacred in the treasury of the United States at this moment, and they were pledged, every one of them, to redeem it.

And the true question now presented was, what were the intentions of the donor?

Mr. INGERSOLL here—in reference to an allusion by Mr. Owen to the Girard fund—went into an explanation, at some

length, of the circumstances and restrictions of that legacy, the manner in which it had been expended, &c., stating that the reason why the school had not ere this, partially at least, gone into operation, was an unfortunate proviso placed by Mr. Girard in his will, that none of the orphans intended to be benefited should be received and educated, until the entire five buildings were fully completed according to the plan prescribed by him. Upon this point Mr. I yielded to Mr. Owen for explanation.

Recurring to the position that the fact that this fund might have been invested by the act of the Government itself in Arkansas stocks principally, and to a small extent in the stocks of Ohio, Illinois, and Michigan, in no manner diminished its accountability for the amount of its obligation to appropriate in accordance with the intention of Mr. Smithson.

Mr. Vinton interposed, and said, if any portion of it was invested in Ohio bonds, of which he was not before aware, the interest on them would be regularly paid.

Mr. Yell also (speaking for Arkansas) said we are ready to settle at any time.

Mr. Ingersoll. I have no doubt of it.

Mr. Yell, (in reply to another remark of Mr. Ingersoll, not heard by the reporter.) Whenever we can bring the Treasury of the United States to a settlement, then we will talk about it.

Mr. Ingersoll (resuming) said he concurred in the general views of Mr. Owen, especially as at the conclusion of the bill there was a section authorizing Congress to make such changes as from time to time it might deem expedient.

There was one object which he thought the gentleman had overlooked. He had properly provided against the error of the Girard will, by providing that this institution should go into operation on the 1st September next after the passage of the law, as it could go into operation for many of its purposes immediately. But instead of waiting the slow process of gathering materials of instruction, he intended, by an amendment at the proper place, to propose that the results of the exploring expedition, and the articles of the National Institute, many of which were now being injured for want of a proper place of deposit, and both which were the property of the Government, should be placed in the Smithsonian Institution, until there should be substituted for them articles collected by that institution itself.

He agreed with Mr. Owen that a great library, such as

was provided for in the bill which passed the Senate two years ago was not desirable; and said that the necessary buildings to contain the greatest library in the world would, in its own erection, exhaust the entire sum. This Capitol itself would not be sufficient to contain eight hundred thousand volumes, which would be the largest library in the world, so properly arranged as to be accessible. A library was not the object of Mr. Smithson; but that it should cover general ground, in which all objects of science (if possible) should be included, and among the rest, he agreed with the bill in the propriety of appropriating a part of the annual fund to the preparation of instructors, to be sent out throughout the whole country. He would also appropriate a part of the fund to the defraying the expenses of the delivery of annual lectures by our most distinguished men, at different points throughout the country for scientific instruction.

Mr. Ingersoll gave some other general views, approving decidedly the object of the institution, and warmly urging the bounden duty of Congress to apply it according to the intentions of Mr. Smithson, and to discharge the obligations imposed upon it by the acceptance of this trust.

Mr. G. W. JONES modified his amendment by inserting after the words "next of kin," the words "or residuary legatee."

Mr. STANTON next addressed the committee, as follows:

Mr. CHAIRMAN: It has been a matter of very general complaint, that there has been great delay in performing the trust imposed upon this Government by its acceptance of the Smithsonian bequest. Whether this complaint be well or ill founded, all will agree that the time has now arrived for decisive action, and that the honor and good faith of the Government require a speedy application of the fund to its destined purpose.

Very nearly eight years have elapsed since the magnificent sum of half a million of dollars, sanctified by the will of James Smithson to the humane purpose "of increasing and diffusing knowledge among men," has been received into the Treasury of the United States.

But if this delay is to be regretted on some accounts, at least one great advantage has accrued: the interest of the fund has accumulated to such an amount that every necessary building for the complete accommodation of a most extensive institution may be immediately constructed without any diminution of the original sum. That will remain untouched, the fruitful source of perpetual supply and sup-

port for the beneficent establishment which may be created by the bill.

Besides, sir, during this long period of delay, many plans have been suggested and discussed, some learned reports have been made in this House and in the Senate, and the public attention has been so engaged upon this interesting subject, that we are now doubtless prepared to dispose of it intelligently, and in a manner which will fully meet the high and liberal purposes of Mr. Smithson. There is no longer any justification for delay. Everything is ready, awaiting our action, and the wise and benevolent in all quarters are anxiously expecting us to perform our solemn duty in reference to this noble bequest.

But there is, at this peculiar juncture in our affairs, still another consideration strongly appealing to the national honor, and urging the immediate disposition of the fund, according to the will of the donor. James Smithson was an Englishman. Yet he passed by his own powerful and splendid Government—one which has never failed or refused to contribute liberally to the cause of science—and selected our plainer and simpler institutions as the more appropriate depository of the sacred trust to which he devoted the whole of his large fortune. Our relations with England at the present moment, are thought to be very critical. I do not anticipate war. I have little fear, that two enlightened nations, whose interests are deeply involved in the maintenance of peace, will, in the nineteenth century, rush into a sanguinary and destructive war, even upon so grave a question as that which now disturbs them. Yet, there are many who look upon the present crisis with more serious fears; and all must acknowledge that war is possible—that very slight mismanagement, on either side, might lead to that disastrous end. Now, if war should take place, it would be most dishonorable to our Government, that a large fund, given by a benevolent foreigner to found an institution of the most peaceful and beneficent character, should remain in the Treasury and be used to carry on war against the very nation from whom the charitable gift was received. I hope, sir, we shall avoid the possibility of such humiliation, by adopting the measure before us without delay. Should we fail to do so, and hostilities occur, the omission will never cease to be the fruitful source and occasion of those bitter attacks upon our honesty and the moral tendency of our institutions, which have long filled the pages of English periodicals, and the journals of English travelers. Their denunciations, then, would have a much

better foundation than they usually have. We should be somewhat at a loss to repel them. The ordinary charge of faithlessness and repudiation of pecuniary liabilities would be nothing in comparison; this would be the gross violation of a sacred trust, which no circumstance could palliate, no emergency could justify.

I intend, Mr. Chairman, to support the bill in its present form. There is, doubtless, a wide field for the selection of means to accomplish the great design unfolded in the comprehensive words of Mr. Smithson's will. Any plan which may be adopted for the attainment of this end, must necessarily be the result of compromise; for it is not to be expected that any two minds, acting separately, would arrive at the same conclusion upon this important subject. I understand this bill to have been thus framed by the committee which reported it. As a result of the conflicting opinions of wise and experienced men, harmonized by comparison, discussion, and mutual concession, it is entitled to very high respect. But I think its intrinsic merits will be found to be its most imposing recommendation.

Before attempting to notice the provisions of the bill, I will refer briefly to an objection, which, if valid, would be paramount to all other considerations. It was with surprise and regret, that I heard the objection of my colleague, (Mr. Jones,) to this bill on the ground of unconstitutionality. I would have regretted opposition upon such grounds from any quarter; but much more when it comes from my own State. I would have preferred that Tennessee should have occupied a different position.

My honorable colleague insists that the Government ought not to have accepted the trust, and that the money ought now to be restored. It is true the United States were not bound to accept the trust. They might have rejected Mr. Smithson's magnificent donation, and deprived the American people of the rich blessings which may now be conferred upon them by its wise and faithful use. But better counsels prevailed; they did accept it by a law of Congress; and in so doing, they assumed a solemn obligation to apply the fund according to the will of the testator. The faith of the Government is pledged—it is doubly pledged—first, by receiving the money and retaining it eight years, with an express agreement to apply it faithfully; and, secondly, by the very nature of the sacred objects to which the trust is directed, so binding and obligatory in their high demand upon the honor of the nation,

that it would be sacrilege and barbarism to repudiate the claim.

I do not propose to enter the field of constitutional discussion. That is a hackneyed subject, and I am sure the occasion does not require that line of argument. Nothing, sir, more clearly demonstrates the utter impracticability and absurdity of those extreme opinions upon constitutional questions, sometimes advocated here, than the opposition, on such grounds, to the measure now before us. The common and general judgment of the people, the united and almost universal concurrence of politicians of all classes, unhesitatingly discard and condemn the narrow and illiberal sentiment. An institution of the greatest importance, most beneficial to the people of this country, founded not with funds exacted by taxation, but built upon the liberality of a distinguished foreigner, who has so far sanctioned our political structure as to confide to it the execution of a sacred trust for the benefit of the human race—this institution, located within a territory over which Congress has exclusive jurisdiction, surely cannot involve the exercise of a power unauthorized by the Constitution, or in the slightest degree dangerous to the integrity of our political principles. Mr. Smithson was not wrong in supposing this Government possessed the power to convey to its people a gratuitous benefit of the first magnitude. His benevolent design will not be frustrated by this imaginary impediment; for I do not dream that it can interpose even a momentary obstacle to the passage of the bill.

It will not be denied that this large fund, properly applied, may be made the instrument of much good. The benefit will be enjoyed primarily and peculiarly, if not entirely, by our own people. Its indirect influence, it is to be hoped, will hereafter extend abroad; but it is chiefly here that its benign effects are to be felt as long as the institution shall exist. It ought, then, to be an object of great care, and of peculiar interest to the Government. All necessary arrangements should be liberally made, and with the wisest possible adaptation to the great end in view.

One of the preliminary provisions of the bill transfers the whole fund to the Treasury, and requires the Government to assume the perpetual payment of interest, at the rate of six per cent. per annum. This is certainly a very slight contribution, yet inconsiderable as this responsibility may be on the part of the Government, and by no means to be named as a donation, or even as a favor, when it is considered that the fund is a gift to the country, it is never-

theless a matter of the first importance to the institution itself. It secures for it a permanent support, and places its revenues beyond the power of any contingency. No one, I presume, except my colleague, will object to this provision. By adopting it, the United States will evince a disposition to fulfill the high trust they have assumed in a spirit of liberality and justice somewhat worthy of the great object sought to be accomplished.

But while the Government will contribute in this small way to the institution, it will receive a direct compensation which far more than balances the sacrifice made. The bill proposes to appropriate a portion of the public grounds in this city for the buildings and gardens necessary for the establishment. Handsome yet useful structures will be erected, and the cultivation of the grounds will render them beautiful and attractive, while they may still be accessible to the harmless examination and enjoyment of the public. All this will be done out of the Smithsonian fund; and the expense which the government would otherwise incur by carrying out the original plan of the city as designed by Washington, will be avoided, while all its desirable advantages will be obtained. The benefit will be mutual to the Government and to the institution.

So also in regard to the transfer of the specimens of natural history, of minerals, and other scientific and curious objects now in possession of the Government, and kept at the Patent Office. The exhibition and preservation of these things are now the source of some expenditure. When they shall be transferred, as proposed in this bill, this expenditure will cease, or be removed from the public Treasury, to the fund of the institution. They will be equally subject to public examination, while they will be made to answer a more useful end, as constituting the basis of instruction for able and scientific professors.

My remarks, so far, Mr. Chairman, relate only to some unimportant preliminary arrangements, not affecting the general scope and design of the proposed institution. These must now be examined; and I propose to do it with reference to the probable design of Mr. Smithson, to be inferred from his own pursuits and character of mind—from his selection of our Government to execute his will, and from the language in which he has expressed his intentions.

I do not propose to enter upon any biographical sketch of Mr. Smithson, or to go into a history of his philosophical labors. I will merely state what has been truly said by the gentleman from Indiana, (Mr. Owen,) that he was

ardently devoted to science, and that his pursuits were eminently practical and utilitarian in their character. The physical sciences, in their application to the useful arts—mineralogy, geology, and chemistry, in its application to agriculture, constituted his chief employments. His investigations are referred to and quoted with respect by the great German chemist, Liebig.

It is more than probable that one whose mind was constantly occupied with these subjects, and filled with the visions of rich promise which must be realized in their future investigations, when munificently endowing an institution for increasing and diffusing knowledge among men, looked particularly to those sciences which will be most fruitful in great results, and to which, on that account, he himself was deeply devoted. It is precisely these sciences, and these applications of them, which I understand this bill to be designed and calculated to promote.

Nor was it strange, sir, that with such sentiments and such designs, Mr. Smithson should have selected our Government as the instrument to accomplish his objects. Although it must be acknowledged that this Government has heretofore contributed little or nothing to the advancement of science by any direct aid or encouragement—and although the points at which it even comes in contact with the scientific world are extremely few, and it is felt to be a great desideratum that these connections should be increased—yet Mr. Smithson had the penetration to discover that the United States are the foremost people of the world in the facility of adapting themselves to the progressive improvements of the age. No other people are now making such rapid strides in the application of science to the great purposes of human industry. This tendency, so very marked at the present day, is doubtless the result of our free institutions, giving untrammelled scope and powerful motive to the energies of the individual man—no longer making the citizen subservient to the power and glory of the Government, but using the latter as a mere instrument to protect the rights and promote the welfare, improvement, and happiness of the former. The olden philosophers considered it a prostitution of the sacred character of science to direct it, in any degree, to the material interests of man. In modern times the sentiment is justly reversed; and that philosophy which does not contribute to the useful pursuits of life, is considered of comparatively little value. In this age, and in this country, the new application of philosophy is exhibiting its most glorious results, and giving promise

in the future of still more wonderful improvements. Doubtless, it was this tendency of our institutions, and the effect not obscurely marked out in the amazing energy and inventive power of our people, which induced the wise and benevolent Smithson to select this Government as the agent for accomplishing his will. It is not difficult to discover that this condition of the people, the result of our peculiar political institutions, will reflect back its influence upon the government, and infuse a portion of its energetic and enlightened spirit into all its departments. We have already seen some such result. Some operations of an important scientific character have of late been undertaken by the direct application of the national power.

First in importance among these, has been the establishment in this city of the Observatory, connected with the hydrographical department of that nondescript fire-and-water bureau of ordnance and hydrography. I believé this interesting establishment has grown up gradually from the very necessity of the case, and without any direct authority looking immediately to such a result. And, in the estimation of some, it seems still to be considered a very unimportant concern; for I have seen a bill lately reported in the Senate, proposing to detach the establishment from the bureau of ordnance, and connect it with that of yards and docks, thus bringing the erection of ship-houses, foundries, and work-shops, into juxtaposition and intimate relation with the most delicate and difficult observations of the heavenly bodies, and the most intricate calculations of astronomy. This classification is probably founded upon the similiarity supposed to exist between the wheels of a steam engine and the rings of Saturn, or the bands of a lathe and the belts of Jupiter. The Naval Committee of the House, however, have not had the penetration to see these very recondite points of connection, and they have proposed to erect a separate bureau of hydrography, placing the astronomical and hydrographical operations of the Government upon the most permanent, useful, and independent basis. If there be any branch of the public service worthy of this advantage, it is that which is now so well and efficiently conducted by Lieutenant M. F. Maury.

Heretofore, our astronomical knowledge has been chiefly derived from foreign nations. We have used the English nautical almanac, and our vessels have been guided upon the broad ocean by observations and tables prepared by our rivals and adversaries in all commercial enterprise. We have contributed nothing whatever to this branch of science,

useful as it is, and directly connected with the great interests of commerce and navigation. For our most important charts, also, we have been dependent upon other nations. Until recently, if even now, we have had no establishment at which our vessels could be supplied with maps and charts necessary to enable them to perform a cruise with convenience and safety, and we certainly have not had the information of a hydrographical character which would enable the Navy Department to plan an attack upon any foreign port, even in the Gulf of Mexico.

But, sir, the establishment of the Observatory, if its important objects be liberally seconded, will remedy these defects, and wipe off from our character what I cannot but consider a disgrace to the most enlightened people upon earth. Its services will not be confined to the preparation of maps and charts, the preservation of nautical instruments, the regulation and correction of chronometers, with other kindred practical duties: its operations will be still more extensive and important. Already have the elements for an American nautical almanac been obtained by observation, and the liberal patriotism of the House is invoked for a small appropriation to compute and print them. It is now in contemplation, too, if the work has not already been commenced, to enter upon a system of most extensive observation, including all the important fixed stars to be observed in our latitude—a more comprehensive and magnificent, as well as useful work, than has ever yet been undertaken in any part of the world. I have it from the highly intelligent and scientific superintendent of the Coast Survey, that the number of stars noted in the nautical almanac is too limited for the convenient conduct of his important observations.

It will be found here, as well as in other important works of a similar kind, that the labors about to be entered upon at the Observatory will prove to be highly important and valuable. They will enable us to make some return to the science of the world for that large supply which we have heretofore illiberally drawn from it; and they will contribute to elevate our Government in the eyes of other nations.

I have said so much upon this subject, sir, because no provision is made in this bill for any astronomical establishment, and because, upon former occasions, it has been urged with great ability, and from a distinguished quarter, that the greater part, if not the whole of this fund, should be appropriated for this purpose. The venerable gentleman from Massachusetts will understand my allusion. It has

been with great pleasure and profit, and with complete sympathy in the noble enthusiasm of the author, that I read the report of that gentleman, made to this House in 1842, upon the disposition of the Smithsonian bequest. He seems to have been imbued with a most exalted sense of the sublimity of the great objects heretofore accomplished, and hereafter to be attained, by the ardent and laborious pursuit of astronomy. Sir, there is no mind not wholly destitute of elevation, and wholly ignorant of the stupendous wonders and glories of the universe as revealed to the gaze of "star-eyed science," who could read that able report and not be deeply affected by it. I quote the following passage:

"The express object of an observatory is the *increase* of knowledge by *new discovery*. The physical relations between the firmament of heaven and the globe allotted by the Creator of all to be the abode of man are discoverable only by the organ of the eye. Many of these relations are indispensable to the existence of human life, and, perhaps, of the earth itself. Who can conceive the idea of the earth without a sun but must connect with it the extinction of light and heat, of all animal life, of all vegetation and production, leaving the lifeless clod of matter to return to the primitive state of chaos, or to be consumed by elemental fire. The influence of the moon—of the planets, our next-door neighbors of the solar system—of the fixed stars scattered over the blue expanse, in multitudes exceeding the power of human computation, and at distances of which imagination herself can form no distinct conception: the influence of all these upon the globe we inhabit, and upon the condition of man, its dying and deathless inhabitant, is great and mysterious, and in the search for final causes, to a great extent inscrutable to his finite and limited faculties. The extent to which they are discoverable is and must remain unknown: but to the vigilance of a sleepless eye, to the toil of a tireless hand, and to the meditations of a thinking, combining, and analyzing mind, secrets are successively revealed, not only of the deepest import to the welfare of man in his earthly career, but which seem to lift him from the earth to the threshold of his eternal abode; to lead him blindfold up to the council chamber of Omnipotence, and then, stripping the bandage from his eyes, bid him look undazzled at the throne of God."

I quote this eloquent passage to show, by the testimony of one who understands the subject well, the character of the results to be expected from the extensive cultivation of astronomical science. I think it will be admitted that though the discoveries now to be expected in that field will be well calculated to elevate the soul and fill it with wonder and amazement, nothing of a very practical or directly useful nature in its bearing upon the immediate pursuits of life is to be expected beyond the increased accuracy and extent of observations necessary for nautical and topographical purposes. I am by no means disposed to undervalue the importance of this sublime branch of human knowledge. Nor will I undertake to say that investigation of the heavens may not produce new results, intimately connected with,

and highly important to, some of the economical purposes of life. What I mean to say is, that the discoveries yet to be made promise only, or at least chiefly, to gratify that high and laudable curiosity which seeks to know and understand, as far as human intelligence may, the sublime and wonderful works of the Creator. New double stars may be discovered, revolving about each other, by the operation of strange and unknown laws, the investigation of which may be a subject of profound interest. Their compensating colors, shedding a mixed stellar influence upon an intimate and curious examination, may possibly reveal to some penetrating eye new and important truths connected with the theory of light. The occultation of Jupiter's satellites enable us to measure its velocity with almost absolute exactness. The contrasted colors of these wonderful binary stars may eventually settle the question, if it be not already settled, between the theory of undulations, and that of particles emanating in straight lines, and may, in some lucky hour, to some favored son of genius unfold distinctly and forever the apparently intricate and now hidden relations of light, heat, electricity, magnetism, and gravitation. A higher and more complete generalization, of the great phenomena of the universe may be accomplished, and it is wholly impossible to tell how directly and immediately such discoveries may bear upon the practical pursuits which contribute to the physical well-being of man. Who, at the present day, can calculate the influence exerted upon the happiness of man, during successive generations, by the knowledge of those three strange and wonderful laws, discovered, not without long and laborious investigation, by the celebrated Kepler? Who can trace their consequences in the subsequent discoveries of that science, or rather, I should ask, what would now be our knowledge of the planetary system, and our ability to apply it to exact nautical purposes, if those laws, and all that results from them, were at this day a blank in astronomical science? That the radius-vector of a planet describes equal areas in equal times! How simple a law, yet how pregnant of consequences, incalculable in extent and value.

Notwithstanding these admissions, and my deep conviction of the great value of astronomical truth, I cannot think that field of knowledge likely to be so productive of useful fruit, that the Smithsonian fund ought ever to have been directed entirely or chiefly to that object. But whatever may have been the conflict of opinion in this respect, the dispute is put to rest by the establishment of the Observa-

tory. It is matter of high gratification to my mind that the Government has at last awakened to the importance of the subject, and has found a complete justification, in the hydrographical and topographical necessities of its service by sea and land, for the endowment of so useful an institution. And I am glad, sir, to hear it announced that the distinguished gentleman from Massachusetts finds his laudable enthusiasm for a noble branch of science fully met and satisfied by the establishment in question.

I think, Mr. Chairman, if there be anything plain and obvious in reference to the plan to be adopted for the Smithsonian Institution, it is that no university or college of an ordinary kind would come within the scope of the testator's intentions, or would contribute properly to the end desired. We require something connected with the great practical purposes of life—something in accordance with the progressive spirit of the age—something looking immediately to the elevation, improvement, and happiness of the great mass of the people. Sir, it is not to be denied that most of our best institutions of learning are not of this character. They look chiefly to the PAST, searching for the obscure beginnings of knowledge in the dead languages, and in the writings of ancient sages, poets, and philosophers. It is our business to look chiefly to the great FUTURE, with its glorious fruits, ready to burst from a teeming soil, warmed and enlightened by the great sun of science, which now diffuses its energetic rays into every corner of human affairs, wherever life, vegetable or animal, and wherever mental or physical power in its ten thousand inventive forms may find a foothold for existence.

In a letter of Dr. Thomas Cooper, of South Carolina, addressed to Mr. Forsyth, 20th July, 1838, in answer to inquiries on the subject of the Smithsonian bequest, that distinguished gentleman says:

"I object to all *belles lettres* and philosophical literature, as calculated only to make men pleasant talkers. I object to *medicine*.

"I object to *law*. *Ethics* and *politics* are as yet unsettled branches of knowledge.

"I want to see those studies cultivated which, in their known tendencies and results, abridge human labor, and increase and multiply the comforts of existence to the great mass of mankind."

Richard Rush, of Philadelphia, writes to the Secretary of State on the same subject, on the 6th of November, 1838, and proposes a plan for the institution not greatly dissimilar from that proposed by this bill. I quote this short passage:

A university or college in the ordinary sense, or any institution looking to primary education, or to the instruction of the young merely, does not

strike me as the kind of institution contemplated by Mr. Smithson's will; declaring it in language simple yet of the widest import, to be 'for the increase and diffusion of knowledge among men,' and making the United States the trustee of its intentions, it seems to follow that it ought to be as comprehensive as possible in its objects and means, as it must necessarily be national in its government."

These letters are to be found in the report of Mr. Adams to this House in 1842. The passages quoted seem to me to be highly judicious, and correctly descriptive of the true character of the institution required. And I think, sir, the bill under consideration conforms, in its provisions, to the general views expressed in these passages, and to those which I entertain. All the labors of the institution will be directed to the more useful sciences and arts, and its advantages must necessarily be eminently practical and popular. These are the great leading considerations, which should commend this bill to the favor of the House, and of the country.

I proceed to notice more particularly the general characteristics of the plan. I pass over the organization of the institution as a corporation, not regarding that as a matter of any importance. As this feature is opposed, I am very willing to see it altered. I approve the elasticity and freedom of action, very wisely conferred upon an institution, new and untried in its application to the great objects in view. Very considerable latitude of control, as to the means to be used, is given to the board of managers, and the ends to be aimed at are described in comprehensive terms. But the most ample guarantee for the wise and faithful use of this discretionary power is obtained in the fact, that the board will consist of the Vice-President of the United States, the Chief Justice of the Supreme Court, three Senators, three members of the House, and six others to be chosen by joint resolution of the two Houses, who are required to submit to Congress annual reports of the operations, expenditures and condition of the institution. In addition to all this, there is reserved the power to alter and amend the charter, as the results of experience may render necessary or expedient. All these provisions seem to be wise, and make it almost impossible that any abuse or misapplication of the fund can ever take place.

The sixth section of the bill provides for a "professor of agriculture, horticulture, and rural economy," giving him power to employ such laborers and assistants as may be necessary "to cultivate the ground and maintain a botanical garden"—"to make experiments of general utility throughout the United States"—"to determine the utility

of new modes and instruments of culture, and to determine whether new fruits, plants, and vegetables may be cultivated to advantage in the United States." These provisions comprehend all which relates to the great agricultural interest. No one, I presume, will question the probable usefulness of these provisions to aid and benefit by far the largest number of our citizens who employ the greatest amount of capital, and whose productions are the very basis of our prosperity, wealth, and happiness. I regret, sir, that in connection with this arrangement there is no express provision for a professor of chemistry; but as a chemical laboratory is provided for, and as the professors are required to be of the most useful sciences and arts, I presume this professorship would be considered first in importance, and would by no possibility be omitted.

In some parts of the country, it is not unusual to hear objections against the application of science to agriculture. I have heard it questioned even here, whether experiments and investigations conducted in Washington city, can be of any use in other latitudes, soils, and climates, throughout our extended country. I maintain, sir, that science in agriculture is practicable, and that its cultivation even here, at the seat of government, may be made to contribute most important benefits to all parts of the Union. For let it be remembered, science is but the classification of facts expressed in the shape of general rules or laws. If any important fact be omitted in the process of induction, the result will be erroneous, and calculated to mislead. But continued experiment and investigation will eventually point out the omitted or misplaced fact, and gradually a true science will grow up, rising from the first rude attempts, through various gradations of improvement, up to its highest and most perfect form. Results predicted from certain operations, without due consideration and experience of all attending facts and circumstances, changes of soil and climate, would not be verified, except by the merest accident. But it is not plain that the experiments here, disseminated throughout the country by appropriate means, and illuminated by all existing knowledge as to the influence of varied circumstances, will be seized upon by the intelligent and skillful agriculturist in all quarters, and submitted to still further tests, in order to eliminate the ultimate truth—the most general law—divested of all extraneous facts? The experiments made abroad will be reflected back again to the central institution, and they will enable it to correct its conclusions, whenever these may have proved

to be to any extent erroneous. If this professorship should accomplish nothing more than to point out the mode of investigation to be adopted, and to compare the results in different quarters and give information of them, this of itself would be an essential service to agriculture.

It will not be disputed, however, that there are some things in agriculture of a general nature, which science at any place can determine with absolute certainty. One might theorize in reference to processes of cultivation, and the results would be very generally erroneous. It might be plausibly argued, that to disturb and break the roots of a stalk of corn by the usual mode of cultivation must injure the health and produce of the plant. But experience determines precisely the contrary; whether it be that new and more numerous small roots are put out, penetrating to every part of the soil, and thereby obtaining abundant nutriment, or whether it be simply that the oxygen and carbonic acid gas of the air and of the soil are rendered more accessible to the roots of the plant by the loosened texture of the ground. Yet, when the agricultural chemist ascertains that the stalk, leaf, or grain of any plant contains certain substances, the silicates, phosphates, or carbonates, and that these are indispensable to their perfection, he is enabled to predicate with absolute certainty that these substances must be in the soil, or that the plant will not flourish. This is a species of information of the utmost importance, and applicable under all circumstances, and in all climates. In its perfect form, when science shall have expended her fruitful labor upon it, it will enable the farmer to control the growth of his crop, and give it any desired development, just as he now controls the growth of his domestic animals, raising his cattle for milk or for beef, and his sheep for wool or for mutton, at his pleasure.

I would say, sir, in reference to this, what I have said of another branch of science, and, indeed, what may be said of all knowledge that it is impossible to foresee the great results to which they will lead. I have unbounded faith in the resources of science in all her departments; and I look forward with the expectation of discoveries and improvements far more important and wonderful than anything which has yet been accomplished. The magnetic telegraph is a marvel; but it does not mark the extreme boundary of human ingenuity.

Another leading and important feature in this bill is, that it proposes "a professor of common school instruction, with other professors, chiefly of the more useful sciences

and arts," and that it contemplates the education of young persons as teachers of common schools. It looks to the education of the people—to the increase and diffusion of knowledge among the great mass. Of course this aid to the cause of popular education can only be of the most general kind. No direct application of the means of the institution to that purpose could be expected. But while this provision is one of high generality, it is, nevertheless, one also of controlling efficiency, calculated to be highly beneficial in its directory influence. If a number of the best teachers, imbued with all the useful science of the age, and thoroughly qualified for imparting knowledge to the young mind, by the most improved modes, can be sent abroad to all parts of the country, doubtless a great point will have been gained. No business is so imperfectly understood, and so badly conducted, in some parts of the Union as that of teaching. An institution which will have the effect of improving and elevating the standard of instruction generally, will be a great national blessing.

Does any one doubt that the scheme proposed in this bill can be made to produce that result? Even though teachers may not be generally furnished for all sections, an immense advantage will be obtained by the diffusion of correct information, as to the proper mode of organizing schools, and the best plans for instruction. The most important kinds of knowledge are too frequently altogether neglected in our primary schools. Let the members of this House look back to their school-boy days, and compare the instruction they received, with that which is now dispensed in the best public schools. We were fortunate, sir, very fortunate, if we were taught anything more than words; if physical science constituted any part of our early instruction; if our attention was directed for a moment to the things around us, among which, and with which, we were bound to accomplish our destiny. Important changes have now taken place. And not among the least important is that of teaching the outlines of physical science at the very earliest period—to make the child acquainted with the nature of the ten thousand natural objects around him—to give him some idea of the structure of the globe he inhabits, and of the system of which this planet is a part. This is knowledge which the child can comprehend, and which the man can never fail to use with advantage. It is properly the first knowledge to be imparted, lying obviously at the very foundation of all good education.

How much has been accomplished of late in this respect

may be inferred from the following passage, which I read from the last report of the Trustees of the Public School Society of New York:

> "A circular, sent to the teachers of the public schools about three weeks since, resulted, before they closed, in not less than ten thousand elementary cabinets of geology for nearly the same number of families, collected, labeled, and assorted by the pupils; securing, in very many instances, a hearty interest, and essential aid from their parents and other friends. Public school No. 15, collected, prepared, labeled, and distributed not less than four hundred such cabinets in one day," &c.

These are interesting facts. They show that the science of education is advancing with the general march of improvement; and they render no longer doubtful the propriety and importance of devoting a portion of the means of this national institution, to assist in carrying forward, even more rapidly, this great movement of the age.

The bill provides for the "preparation of sets of illustrations, specimens, apparatus, and school books suited for primary schools." I consider these provisions of the highest importance. Next to the furnishing of proper teachers, is the necessity for proper instruments of education. Indeed, I do not know but this should be placed foremost in importance; for, with the best illustrations, apparatus, and books, the teacher could scarcely fail to perform his part with the greatest advantage and the best success. The propriety of having "professors of the most useful sciences and arts" connected with the "normal branch" of this institution, is too obvious to require a single remark.

The bill does not propose (for indeed the proposition would be absurd) to give to such school books as may be prepared, any authority, other than that which the character of the institution, and their own intrinsic worth, would impress upon them. But it is very certain, that able and experienced men, directing their minds particularly to that object, would be prepared to give to the world something far better than we now possess—something in the way of elementary books, which would essentially contribute to the uniformity and efficiency of general education. I think it will be acknowledged, by all who know anything of the subject, that such books for primary schools are at this moment a great desideratum. I know of no means by which greater benefit could be conferred upon the people at large, than by the judicious preparation and cheap supply of such books. They would be equivalent to a great plan of education, emanating from the highest and best authority, causing the light of all modern science and modern im-

provement to converge into every country school house in the land.

There are other features in this bill, Mr. Chairman, upon which it would be interesting to comment, if the hour allotted by the rules of the House would permit. The lectures by able men of science, the cheap and useful publications, and the investigations which the managers have power to direct, may be made, by judicious direction, to contribute to the most useful and important ends. But these things will suggest themselves to the mind of every intelligent man.

I approve heartily the provision which forbids the establishment of any school of law, or medicine, or divinity, or any professorship of ancient languages. The scope of my remarks throughout has been in accordance with this view, and, I hope, will fully justify the position. The number of persons who could be educated by all the funds of this institution must, of necessity, be very limited; and unless they be instructed with a view to communicate the light and diffuse the knowledge received, the benefits of the establishment would not be general.

The annual appropriation of ten thousand dollars for the gradual formation of a library, might have been limited to a smaller amount, with a better result. But the managers will doubtless act with wisdom and discretion.

By proper management, this institution may doubtless be made the instrument of immense good to the whole country. To the Government it will be of no slight advantage. It will be a great institution. It may attain a character as high as that of the French Academy; and its authority will then be decisive in reference to numerous questions of a scientific nature, continually presented to the committees of Congress and the departments of Government, for determination and consequent action. Such an institution is greatly needed in the Federal city. It is fortunate, not less for the public service than for the advantage of the individual citizen, that the opportunity is now afforded to accomplish so important an object. I cannot doubt that the opportunity will be seized with alacrity, and improved with something of that spirit of liberality and intelligence which I think is embodied in the bill now before the committee.

Mr. Sawyer moved to amend the bill by striking out "six," in the first section, and inserting in lieu thereof "five."

There was a motion pending to strike out the whole bill, and therefore this motion to amend was in order.

The ninth section was not under consideration, but when it should be, he would move to amend it in the fourth line, by inserting after the word "therein," the following proviso:

"*Provided,* That such students shall be selected from the different States and Territories of the United States, according to the ratio of representation in Congress."

He thought five per cent. as high a rate of interest as was proper. He was not willing that his constituents should be saddled with so high a rate of interest as six per cent., for the people must pay it out of their pockets. For a permanent loan, five per cent. was high enough.

The other amendment which he would propose related to the regulations for the admission of students into the various departments of the institution. He proposed to take the students from the different States and Territories of the United States, according to their representation in Congress, so that they shall not all be taken from Virginia, Maryland, and this District, as had been the case in regard to all other appointments. Heretofore, nine-tenths of all appointments had been made from this District and the neighboring States. Other States had been blotted out from the vocabulary of appointments. There was a bill before the House to do this, but it was impossible to reach it, obstacles being thrown in the way whenever it was attempted. While we were passing laws for creating more public institutions, it was proper to make a proviso that the persons benefited by it should be taken from every portion of the Union, instead of one locality. With proper modifications, he was disposed to vote for this bill.

Mr. D. P. KING had some amendments, he said, to propose to the bill, at a proper time. In establishing an institution like this, for the increase and diffusion of knowledge among men, there ought undoubtedly to be some arrangement for the education of teachers. He would propose that lands and buildings be provided for young men, to enable them to prepare for such an education as will qualify them for usefulness and to teach others. He proposed that persons should be received who, by their labor, would maintain themselves. He was desirous of promoting the interests of the yeomanry of the country—of cultivating the hand as well as the head and heart; and he hoped provisions for these objects would be made in the bill. He should move to insert in the seventh section, after the word "professors," the words "of agriculture." A very large portion of the people were agriculturists, and it was the

most useful and interesting object of pursuit. He wished to provide for the use of those who became students lands and buildings, with a view to enable them to engage in practical agriculture.

He was not disposed, at this time, to go into the subject fully, but he submitted that the best mode of carrying out the objects of the donor, was, to promote agricultural knowledge.

Mr. OWEN had a few words to say in reply to the gentleman from Ohio, [Mr. SAWYER,] who had urged that the rate of interest should be five instead of six per cent. He would ask the committee generally, whether, in regard to a perfect gratuity—a fund for public objects to which this Government had not contributed one cent—we ought not to be willing to pay as large an interest as we were ordinarily obliged to pay on loans? Ought we not to yield something to the object of the bequest?

It must also be considered that, by this bill, much expense was saved to the Government. Should this plan be carried out, it would save all the expenses attending the preservation of the collections of the Exploring Expedition. These could not be taken care of without considerable expense. It would also be recollected, that it was a part of General Washington's plan in laying out this city, to extend the public grounds from the Capitol to the President's House. These grounds embraced more than one hundred acres, and should they be embellished and improved, according to the original design, the expense would be very great. All these expenses were to be defrayed by the Smithsonian Institution. All that was asked was the ordinary interest of six per cent., which the Government had recently been obliged to pay.

In regard to the ninth section of the bill, he would be glad if the objections of the gentleman from Ohio should prove to be good, and that there should be such an overflow of applications for admission into the institution as to render any restrictions necessary. He apprehended that there would be no necessity for such restrictions, for we did not propose, as at the West Point Academy, to pay any expenses of the students. In case of such a rush for admission as the gentleman anticipated, he would admit that the students ought to be divided among all the States and Territories. He would agree to vote for the amendment, but he apprehended that the chief difficulty would be in getting a sufficient number of persons to come.

Mr. D. P. KING said he had proposed such a modification

of the plan as would enable students to pay their board by laboring on the farm of the institution.

Mr. OWEN said that this point was before the committee, and it was agreed that young men might be employed as managers and laborers, if they were willing, while they were pursuing their studies.

Mr. SAWYER remarked that it had been suggested that the 9th section already provided for this object. But he must insist upon it that it did not; and to prove it he would read the section, as follows:

"That the said board of managers shall also make rules and regulations for the admission of students into the various departments of the institution, and their conduct and deportment while they remained therein."

The same provision applied to officers of the institution, but the managers were not instructed to distribute among the several States and Territories all the students applying for admission.

Mr. JEFFERSON DAVIS said that so far as the Government was concerned, the bill conferred no powers on it. All objections on that score were unfounded. He was afraid that the benches of the institution would not be filled to overflowing, and that no restriction would be necessary on that score. The 9th section might stand as it was for the present, and when necessary Congress could amend the act in order to meet any circumstances that might arise. In the mean time he would throw open the door to all, whether for a single lecture or for a whole course; and he regarded lectures as the greatest means of extending knowledge which had been adopted in modern times. It was second only to the invention of the art of printing.

Everything in the bill tended to the increase and diffusion of knowledge among men.

Some had urged that the trust ought not to have been accepted. It was too late to make that objection. He held that we were now obliged to carry it into execution; and as to the funds themselves, they ought to be considered as money still in the Treasury, unconnected with any stocks. He regretted that any one had proposed to return the stocks to the heirs or kin of the original owner.

Mr. G. W. JONES said he did not profess to understand the whole doctrine of trusts, but if trust funds were placed in the hands of the Government, was the Government bound to keep the money, instead of investing it? Was the Government bound to pay interest on it without investing it?

Mr. JEFFERSON DAVIS. That will depend on the character

of the fund. The fund was given in trust for a specific object.

Mr. G. W. Jones. Suppose the fund had been left to the gentleman from Mississippi; was he bound to keep it and pay six per cent. interest upon it? Or, if he invested it in Mississippi or other State stocks, in good faith, would he be bound as trustee to make good the principal and interest of the fund?

Mr. Jefferson Davis could, he said, answer that case in perfect conformity with his own views and feelings on the subject. He would reject the trust unless he was willing to execute it; and if he misapplied the money and delayed to execute the trust for eight years, he would consider himself bound in honor to make good the whole fund.

Mr. D. continued. He would admit that the Government had no authority to take charge of the subject of education, and he did not consider this bill as liable to that objection. The Normal school system he considered as highly beneficial, serving to produce uniformity in the language, and to lay the foundation of all sciences. The spelling book of Noah Webster, which had been used extensively in our primary schools, had done more to produce uniformity in our language in this country than anything else. If we sent out good school books from this institution, it would be of vast service to the country.

Mr. D. enlarged upon the benefits which would result to science and the diffusion of every kind of useful knowledge, from an institution which would gather young men from the remotest parts of the country, at the common point where every facility for practical instruction would be afforded. The taste of the country would be refined, and he did not consider this as anti-democratic. Knowledge was the common cement that was to unite all the heterogeneous materials of this Union into one mass, like the very pillars before us. If there was any constitutional objection to the establishment of a corporation, he was willing to strike out that feature in the bill, and preserve the remainder. But let us do something to carry out the objects of the testator, or let us throw back the fund upon the chancery court of England.

Mr. Marsh desired, he said, to add a few words on this subject, but was unable to proceed at present, in consequence of indisposition. He therefore moved that the committee rise.

Some conversation ensued, upon which Mr. Marsh withdrew the motion.

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Mr. Marsh desired, he said, to add a few words on this subject, but was unable to proceed at present, in consequence of indisposition. He therefore moved that the committee rise.

Some conversation ensued, upon which Mr. Marsh withdrew the motion.

Mr. J. Q. ADAMS expressed a wish that some progress be made in the bill, by taking a vote on some of the amendments.

The question was then taken on the amendment offered by Mr. SAWYER, and it was decided in the negative.

On motion of Mr. MARSH, the committee then rose and reported progress.

HOUSE OF REPRESENTATIVES, *April* 23, 1846.

Mr. BOYD offered a resolution providing that all debate on this bill should cease in one hour and a half after it should again be taken up in committee, unless sooner disposed of, and that the committee should then proceed to vote on amendments pending, or to be offered.

Mr. J. R. INGERSOLL moved to amend the resolution by striking out "one hour and a half after it shall have been taken up in committee," and inserting "two o'clock."

Mr. GRAHAM moved that the resolution and amendment be laid on the table.

And the question having been taken, and decided in the affirmative, the resolution and amendment were laid on the table.

The SPEAKER announced the unfinished business to be the special order of yesterday, the bill to establish the Smithsonian Institution for the increase and diffusion of knowledge among men.

On motion of Mr. OWEN, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. BURT, of South Carolina, in the chair,) and resumed the consideration of the said bill.

Mr. MARSH, of Vermont, after some preliminary observations, said: I agree, Mr. Chairman, with those who doubt whether it was entirely wise in the Congress of the United States to accept the munificent bequest of Mr. Smithson. Were the question now first presented, I should hesitate. Not that I deny or even doubt the power of Congress to administer this charity, but I should question the propriety of assuming a trust, which there is too much reason to fear we shall not discharge in such a manner as to give the fullest effect to the purposes of the enlightened donor. The history of this bequest confirms these scruples. It is now nearly ten years since Congress, by a solemn act, assumed the trust, and pledged "the faith of the United States" to its faithful execution. The money was soon after received, and immediately passed out of the hands of the Government, not irrevocably, it is to be hoped, but it is, at all

events, now beyond our control, and no portion of it has been yet applied to the noble ends of the bequest. The difficulties which have thus far prevented the application of the fund to its proper uses still exist, and are of a character not likely to be removed. Our Government has no department which can be conveniently charged with the administration of the charity, and must, therefore, begin with the organization of one for that special purpose. In this incipient step, we meet with obstacles at every corner. Questions are at once raised that are not yet solved, and are certainly in themselves of no easy solution. How far *can*, how far *ought*, Congress to act in the direct control of the charity—how far should it make specific what the will of the testator has left general? If Congress shall direct the particular uses to which the fund shall be applied, what shall those uses be? Or shall we, on the other hand, delegate the trust; and, if so, shall we impose its duties on departments already too heavily burdened with official responsibilities, or shall we create a corporation or other special agency for the purpose? Is there not danger that the institution will be abused for party ends, and merely serve to swell the already overgrown patronage of the Executive? A previous suggestion of these difficulties might well have led us to hesitate, before we contracted obligations of so delicate a character, and I fear they are yet destined for some time longer to impede the satisfactory action of Congress.

But it is now quite time that we apply ourselves in earnest to the work of redeeming our country from the reproach of infidelity in the discharge of so high and solemn a trust, and that at the earliest practicable period, and before the subject shall become an element in our party dissensions, we strive to make available to our fellow-citizens, and to all men, a gift as splendid as its purposes are noble.

The delay, long and unwarrantable as it is, has not been without its issues. It has afforded abundant time for the collection, comparison, and concentration of opinion; able men in every walk of scholastic and professional life have been consulted; many of the wisest American statesmen have brought the energies of their intellects to the examination of the subject; it has been largely discussed in both branches of the National Legislature; numerous studiously considered plans have been suggested, providing in different ways for every interest which can be supposed to be embraced within the views of the testator, and the bill now before us is a compilation, an anthology, so to speak, from all these, though possessing original features—valuable

features—the credit of which belongs to the chairman of the special committee, (Mr. Owen,) by whom the bill was reported.

In a case where there is room for so great diversity of opinion as in this, there can be no hope of the adoption of any plan not conceived in a spirit of compromise; and on this, as on another larger question, however widely apart we may be at first, we shall probably find ourselves in the end obliged to settle down upon the parallel of 49°. The bill is reported by the special committee as a compromise, and probably no one of the gentlemen concerned in its preparation is quite satisfied with its provisions; no one believes it to be the best plan that could be devised; but they felt the necessity of deferring to each other, as well as to the probable opinion of Congress, and were nearly unanimous in thinking it more likely to harmonize discordant views than any other plan suggested. It was in this belief, and in consideration of the importance and the duty of early action, that I, as a member of that committee, assented to the report, regarding the scheme, however, not merely as a necessary compromise, but as rather an experiment, which admitted, and which I trusted would hereafter receive, great changes in its conditions, than as a complete working model.

It has all along been assumed as a cardinal principle, that we ought to follow implicitly the will of the liberal donor, and it has been thought unfortunate that he was not more specific in the appropriation of his bounty. But he has given a proof of a generous and enlightened spirit, and at the same time has paid this nation the highest possible compliment, by using the largest and most comprehensive language in his bequest; thus in effect saying, that he preferred rather to entrust the disposal of this great fund to the wisdom and intelligence of a free and enlightened people, than to limit its use to purposes accordant with his own peculiar tastes. Some gentlemen have thought, that inasmuch as the testator has not specified the particular mode by which he would have the great ends of his charity accomplished, we are bound to infer his wishes from the character of his favorite pursuits, and to conform to his supposed views, by confining the fund to the promotion of objects, to the cultivation of which his own time and researches were devoted. But this would be no true conformity to the enlightened liberality which prompted so munificent a gift. It would be a disparagement to so generous a spirit to imagine, that while saying so much, he meant so little. It

would be so wide a departure from his large and wise purposes, as fairly to defeat his noble aims. Had he been in fact a person of so narrow views as this argument supposes, he would have guarded against the possible misapplication of his charity, by express words of direction or restriction; and it is a proof of rare generosity in an enthusiastic lover of an engrossing pursuit, that in a bequest appropriating his whole estate to the high purpose of increasing and diffusing knowledge among men, he made no special provision for the promotion of those sciences which were to him the most attractive of studies.

After all, however, he was not a student of so limited a range of inquiry as has been sometimes assumed. He was a man of studious and scholastic habits, and of large and liberal research, specially devoted, indeed, to the cultivation of certain branches of natural knowledge, but excluding no science, no philosophy, from his sympathies. Too enlightened to be ignorant of the *commune vinculum*, the common bond of mutual relation, which makes all knowledges reciprocally communicative and receptive—each borrowing light from all, and each in turn reflecting light upon all—he was too generous to confine his bounty to the gratification of tastes entirely similar to his own. None of the objects embraced in this bill are alien from his probable views. Books, indeed, he did not collect, as we propose to do, because to one who had no fixed habitation a library would have been but an incumbrance; and he lived in the great cities of Europe, where public and private munificence has collected and devoted to general use such ample repositories of the records of knowledge, that individual accumulation of such stores is almost superfluous. But, though he gathered no library, his writings show him to have been a man of somewhat multifarious reading; and it is quite a gratuitous assumption to suppose him to have been one of those narrow minds, who think no path worth traveling but that which they have trodden, no field worth cultivating whose fruits they have never plucked. Apart, then, from the liberty which the broad words of the will give us, we are entitled to believe that the purposes of the testator were as comprehensive as the language he has used—that he aimed at promoting all knowledge for the common benefit of all men—and to appropriate to the American people, in a spirit worthy of the object and of ourselves, the compliment he has paid us, by selecting us as the dispensers of a charity which knows no limits but the utmost bounds of human

knowledge, and claims as its recipients the men of this and of all coming ages.

The limitation of the bequest, then, is to the "increase and diffusion of knowledge among men." Here two objects are aimed at. Increase, enlargement, extension, progress; and diffusion, spread, communication, dissemination. These the bill seeks to accomplish by various means. It proposes to *increase* knowledge by collecting specimens of the works of nature, from every clime, and in each of her kingdoms; by gathering objects in every branch of industrial, decorative, representative, and imaginative art; by accumulating the records of human action, and thought, and imagination, in every form of literature; by instituting experimental researches in agriculture, in horticulture, in chemistry, and in other studies founded upon observation. It proposes to *diffuse* the knowledge thus accumulated, acquired, and extended, by throwing open to public use the diversified collections of the institution in every branch of human inquiry; by lectures upon every subject of liberal interest; by a normal school, where teachers shall become pupils, and the best modes that experience has devised for imparting the rudiments of knowledge shall be communicated; by preparing and distributing models of scientific apparatus, and by the publication of lectures, essays, manuals, and treatises.

Of the various instrumentalities recommended by this noble and imposing scheme, the simplest and most efficient, both as it respects the increase and the diffusion of knowledge, is, in my judgment, the provision for collecting for public use a library, a museum, and a gallery of art; and I should personally much prefer, that for a reasonable period the entire income of the fund should be expended in carrying out this branch of the plan.

But in expressing my preference for such a present application of the moneys of the fund, and my belief that we should thus best accomplish the purposes of the donor, I desire not to be understood as speaking contemptuously of research and experiment in natural knowledge and the economic arts. I have too much both of interest and of feeling staked upon the prosperity of these arts, and they are to me subjects too intrinsically attractive, to allow me to be indifferent to any measure which promises to promote their advancement. I am even convinced, that their earnest cultivation and extension are absolutely indispensable to our national prosperity, our true independence, and almost our political existence; and I am at all times ready to maintain their claim to all the legislative favor which it is within the

power of the general Government to bestow. I would not, therefore, exclude them from the plan of a great national institution for the promotion of all good learning; but I desire to assign them their true place in the scale of human knowledge, and I must be permitted to express my dissent from the doctrine implied by the bill, as originally framed and referred to the special committee, which confines all knowledge, all science, to the numerical and quantitative values of material things. Researches in such branches as were the favored objects of that bill, have in general little of a really scientific character. Geology, mineralogy, even chemistry, are but assemblages of apparent facts, empirically established; and this must always be true, to a great extent, of every study which rests upon observation and experiment alone. True science is the classification and arrangement of necessary primary truths, according to their relations with each other, and in reference to the logical deductions which may be made from them. Such science, the only absolute *knowledge*, is the highest and worthiest object of human inquiry, and must be drawn from deeper sources than the crucible and the retort.

The bill provides for the construction of buildings, with suitable apartments for a library, and for collections in the various branches of natural knowledge and of art, and directs the annual expenditure of a sum "not exceeding an average of ten thousand dollars, for the gradual formation of a library composed of valuable works pertaining to all departments of human knowledge." As I have already indicated, I consider this the most valuable feature of the plan, though I think the amount unwisely restricted; and I shall confine the few observations I design to submit respecting the bill chiefly to the consideration of this single provision. I had originally purposed to examine the subject from quite a different point of view, but the eloquent remarks of the chairman of the special committee, (Mr. Owen,) which seem to be intended as an argument rather against this provision than in favor of the bill, and as a reply to the able and brilliant speech of a distinguished member of another branch of Congress, upon a former occasion, (Mr. Choate,) has induced me to take a somewhat narrower range than I should otherwise have done. I wish, sir, that Senator were here to rejoin, in his own proper person, to the beautiful speech of the gentleman from Indiana, who seems rather to admire the rhetoric, than to be convinced by the logic, of the eloquent orator to whom I refer. In that case, sir, I think my friend from

Indiana, trenchant as are his own weapons, would feel, as many have felt before, that the polished blade of the gentleman, who lately did such honor to Massachusetts in the Senate of the United States, is not the less keen, because, like Harmodius and Aristogiton, he wraps it in sprays of myrtle.

It has been objected by some, that the appropriation is too large for the purpose expressed—"The gradual forof a library composed of valuable works pertaining to all departments of human knowledge." But if we consider how much is embraced in these comprehensive words, we shall arrive at a very different conclusion. The great libraries of Europe range from 200,000 to 500,000, or perhaps even 750,000 volumes. That of the university of Gottingen, the most useful of all for the purposes of general scholarship, contains about 300,000. How long would it require to collect a library like this, with an annual expenditure of ten thousand dollars? The library of Congress is said to have cost about $3.50 per volume; but as a whole it has not been economically purchased, and though composed chiefly of works which do not maintain a permanently high price, yet as a large proportion of the annual purchases consists of new books from the press of London, the dearest book market in the world, its cost has been much higher than that of a great miscellaneous library ought to be. The best public library in America, for its extent, (10,000 volumes,) which I am happy to say is that of the university of my native State, Vermont, costs but $1.50 per volume. It can hardly be expected, that Government, which always pays the highest price, will be so favorably dealt with; and it is scarcely to be hoped, that it will succeed in securing the services of so faithful and so competent an agent as was employed by the University of Vermont.

I have myself been, unfortunately for my purse, a bookbuyer, and have had occasion to procure books, not only in this country, but from all the principal book marts in Western Europe. From my own experience, and some inquiry, I am satisfied that the whole cost of such books as a national library ought to consist of, including binding and all other charges, except the compensation and travelling expenses of an agent, should not exceed two dollars per volume. If you allow $2,000 for the compensation and expenses of an agent, (which would not be increased upon a considerably larger expenditure,) you have $8,000 remaining, which, at the average cost I have supposed, would purchase four thousand volumes a year. How long, I repeat, would it require at this rate to accumulate a library

equal in extent to that of Gottingen? More than seventy years. In some seventy years, then, in three score years and ten, when you sir, and I, and all who hear my voice, and all the present actors in this busy world shall be numbered with the dead, we may hope, that free, enlightened America, by the too sparing use of the generous bounty of a stranger, will possess a collection of the recorded workings of the human mind, not inferior to that enjoyed by a single school in the miniature kingdom of Hanover! And what provision is made for the increase of books meanwhile? Look at the activity of the presses of London and Paris—at the vastly prolific literature of Germany—at the increasing production of our own country—to omit the smaller but still valuable contributions to the store of human knowledge in the languages of other countries, and you will perceive that this appropriation, so far from being extravagantly large, will scarcely even suffice for keeping up with the current literature of the day. Gottingen meantime will go on. Her 300,000 volumes will increase in seventy years to half a million, and we shall still lag 200,000 volumes behind.

The utility of great libraries has been questioned, and it has been confidently asserted, that all truly valuable knowledge is comprised in a comparatively small number of volumes. It is said that the vast collections of the Vatican, of Paris, of Munich, and of Copenhagen are, in a great measure, composed of works originally worthless, or now obsolete, or superseded by new editions, or surpassed by later treatises. That there is some foundation for this opinion, I shall not deny; but after every deduction is made upon these accounts, there will still remain in any of these libraries a great number of works which, having originally had intrinsic worth, have yet their permanent value. Because a newer, or better, or truer book, upon a given subject, now exists, it does not necessarily follow that the older and inferior is to be rejected. It may contain important truths or interesting views that later, and, upon the whole, better authors have overlooked—it may embody curious anecdotes of forgotten times—it may be valuable as an illustration of the history of opinion, or as a model of composition; or if of great antiquity, it may possess much interest as a specimen of early typography.

Again, because any one individual, even the most learned cannot, in this short life, exhaust all art, because he can thoroughly master but a few hundred volumes, read, or even have occasion to consult, but a few thousands, we are not therefore authorized to conclude that all beyond these are

superfluous. Each of the hundred authors, who have produced those thousands of volumes, had read also *his* thousands. The scholar is formed, not by the books alone that he has read, but he receives, at second hand, the essence of multitudes of others; for every good book supposes and implies the previous existence of numerous other good books.

An individual even of moderate means, and who is content to confine his studies within somewhat narrow bounds, may select and acquire for himself a library adequate to his own intellectual wants and tastes, though entirely unsuited to the purposes of one of different or larger aims, and by the diligent use of this, he may attain a high degree of mental culture; but a national library can be accommodated to no narrow or arbitrary standard. It must embrace all science—all history—all languages. It must be extensive enough, and diversified enough, to furnish aliment for the cravings of every appetite. We need some great establishment, that shall not hoard its treasures with the jealous niggardliness which locks up the libraries of Britain, but shall emulate the generous munificence which throws open to the world the boundless stores of literary wealth of Germany and France—some exhaustless fountain, where the poorest and humblest aspirant may slake his thirst for knowledge, without money and without price.

Of all places in our territory, this central heart of the nation is the fittest for such an establishment. It is situated in the middle zone of our system—easily and cheaply accessible from every quarter of the Union—blessed with a mild, a salubrious, and an equable climate—abundant in the necessaries and comforts of physical life—far removed from the din of commerce, and free from narrow and sectional influences.

Let us here erect a temple of the muses, served and guarded by no exclusive priesthood, but with its hundred gates thrown open, that every votary may enter unquestioned, and you will find it thronged with ardent worshippers, who, though poverty may compel them to subsist, like Heyne, on the pods of pulse and the parings of roots, shall yet forget the the hunger of the body in the more craving wants of the soul.

From the limited powers of our National Government, and the jealous care with which their exercise is watched and resisted, in cases where the interests of mere humanity—not party—are concerned, it can do little for the general promotion of literature and science. The present is a rare opportunity, the only one yet offered, and never perhaps, to

be repeated, for taking our proper place among the nations of the earth, not merely as a political society, but as patrons of knowledge and the liberal arts. The treasures of our national wealth are, perhaps, not at our command for this purpose; and it is only by the discreet use of this bequest, and of the funds which private liberality will assuredly contribute to extend the means of the institution, that we can hope to kindle a luminary, whose light shall encompass the earth, and repay to Europe the illumination we have borrowed from her.

The library of Gottingen, of which I have spoken, contains six times as many volumes as the largest American collections; it has been accumulated within a comparatively short period—scarcely a century—and, having been selected upon a fixed plan by the ablest scholars in the world, it contains few books originally without merit, few duplicates, and few which the progress of science and literature have rendered worthless. And yet, though upon the whole the best existing library, it, in many departments, does not approach to completeness, and the scholars who resort to it are often obliged to seek elsewhere sources of knowledge which Gottingen does not afford.

We shall perhaps be best able to estimate our own deficiencies and wants by comparing the contents of our Congressional Library with the actual extent of existing literature. The Library of Congress contains more than 40,000 volumes, in general valuable and well chosen, with not many duplicates, not many books that one would altogether reject. It is not composed, like too many of our public libraries, in any considerable decree, of books which have been *given*, because the proprietor found them too worthless to keep, but it has been almost wholly purchased and selected from the best European sale catalogues, and yet there is no one branch of liberal study, even among those of greatest interest to ourselves, in which it is not miserably deficient.

There is, perhaps, no better general catalogue of such books, in the various departments of learning, as are prized by collectors, than the Table Methodique, in the last edition of Brunet's Manuel du Libraire. Brunet enumerates more than 30,000 works, making, in the whole, about 100,000 volumes, and professes to specify only the most important and the rarest. The list contains, no doubt, very many works of little intrinsic worth, or even adventitious interest; but it is, perhaps, not too much to say, that a library of the larger class ought to possess at least 25,000 of the volumes it specifics. But this list is even tolerably complete in but

few departments. In French history and literature, in civil and international law, in the history and literature of classical antiquity and of early typography, in theology, in medicine, you will find it perhaps nearly satisfactory; but in the history and literature of all other nations, and in almost every other field of inquiry but those I have mentioned, the learned scholar will miss the titles of many more valuable works than he will find, while many highly interesting and important chapters are almost entirely blank. The Congressional Library does not probably contain one-fourth even of the small proportion of Brunet's list which I have described as of intrinsic and permanent value. But are there not numerous branches of knowledge well worthy a place in every great literary repository, and which are yet wholly unrepresented in our alcoves? Let us devote a moment to some dry statistics concerning the literature of continental Europe. The Bibliotheca Historica Sueo-Gothica of Warmholtz, the last volume of which appeared in 1817, enumerates no less than 10,000 works illustrative of the *history* of Sweden alone; and the thirty years since have added greatly to the number. The Literatur-Lexicon of Nyerup, published in 1820, gives the titles of probably an equal number of works belonging to the literature of the countries subject to the Danish crown. Holland, too, has noble historians, naturalists, poets, and dramatists, and has produced many works of unsurpassed value upon the history of commerce and navigation. The list of Brunet contains not one in a hundred of the standard authors of these several countries; and the Library of Congress, as far as I remember, does not possess a volume in the language of either of them. Again, consider the vast extent and surpassing value of the literature of Germany. Of the 3,000,000 different volumes of printed books supposed to exist, it is computed that more than one-third are in the German language. The learning of Germany embraces every field of human inquiry, and the efforts of her scholars have done more to extend the bounds of modern knowledge than the united labors of the rest of the Christian world. Every scholar familiar with her literature—let me not say *familiar*, for life is too short for any man to count its boundless treasures—but every enlightened student who has but dipped into it, will readily confess its infinite superiority to any other, I might almost say to all other literatures. It has been affirmed, that more than one-half of our population is of recent German origin, and German is the vernacular tongue of extensive districts of

American soil. Yet the Library of Congress contains not one hundred, probably not fifty, volumes in that noble language. You have none of the numerous writers of the vast empire of Russia, or of Poland; nothing of the curious literatures of Hungary and Bohemia; only the commonest books in Italian and Spanish; not a volume in the language of Portugal, rich as it is in various literature, and especially in the wild yet true romance of Oriental discovery and conquest, that comes down to us through the pages of learned De Barros and quaint old Castanheda, ringing upon the ear and stirring the blood like the sound of a far-off trumpet. In the boundless world, too, of Oriental learning, of which our increasing commercial relations with the countries of the East render it highly desirable that we should possess the means of acquiring a knowledge, you have nothing to show but a few translations of the Bible, and perhaps some works of devotion or elementary religious doctrine, which American missionaries have presented you.

Will it not be admitted that an American library, the national library of a people descended from men of every clime, and blood, and language—a country which throws open its doors as an asylum for the oppressed of every race and every tongue, should be somewhat more comprehensive in its range? That it should at least have some representatives of every branch of human learning, some memorials of every written tongue that is spoken within its borders?

But, even in English literature, our library is sadly meagre. How far are we from possessing a tolerably complete series of the English printed books of the fifteenth and sixteenth centuries, or even of that best age of English learning, that age with which every honest American most truly sympathizes, the age of Cromwell and of Milton? Would it not be well to have at our command the means of enabling some diligent scholar to write what has not yet been worthily written, or indeed scarce even attempted, a complete history of the literature of our Anglo-Saxon mother tongue—or to perform that Herculean task, which, in spite of the vaunted but feeble labors of Webster, remains still to be accomplished, the preparation of a respectable English dictionary?

If there is any department of learning, in which a library selected for the use of the representatives of a democracy should be complete, it is that of history. But what have we of the sources of historical investigation? *Histories* indeed we have, but little *history.* True, we have Robert-

son, and Hume, and Voltaire, and Gibbon, and, above all, Alison, a popular writer in these days, and—

> "Like Sir Agrippa, for profound
> And solid lying, much renowned;"

but of those materials from which *true* history is to be drawn, we have little, very little. The works belonging to the proper history of the American Continent alone, every one of which it would be higbly desirable to possess, number certainly more than 20,000 volumes, fully equal to one-half the Congressional Library, and of these we have, as yet, but a small proportion.

If the bounty of the generous foreigner, in spite of the broad language which expresses his liberal purpose, is to be confined to the narrow uses which some gentlemen propose, the appropriation of $10,000 per annum is unnecessarily large, at least for permanent expenditure. A moderate amount would collect all that is worth buying in the experimental sciences, and a small annual appropriation would keep up with the advance of knowledge in this department. But it is due to ourselves, due to our age, due to the lofty views which inspired a benefaction so splendid—a gift clogged with no narrow conditions—that we act in a more generous, a wider, a more catholic spirit; that we remember, that "knowledge" embraces other arts than those of bread; that man's economical interests are not his highest.

The purpose of the testator, which we are to carry out, was "the increase and diffusion of knowledge among men." What, then, is the most efficient means of increasing and diffusing knowledge? Increase, accumulation, must precede diffusion. Every rill supposes a fountain; and knowledge cannot "flow down our streets like a river," without there be first built and filled a capacious reservoir, from which those streams shall issue. It is an error to suppose that the accumulation of the stores of existing learning, the amassing of the records of intellectual action, does not tend also to *increase* knowledge. What is there *new* in the material world, except by extraction or combination? How are new substances formed, or the stock of a given substance increased, by the chemistry of nature or of art? By new combinations or decompositions of known and pre-existing elements. The products of the experimental or manufacturing laboratory are no new creations; but their elements are first extracted by the decomposition of old compounds, and then recombined in new forms. Thus is it also, in some degree, with the immaterial products of the human mind; but there is this difference; knowledge grows not

alone by extraction and combination, but, unlike the dead matter with which chemistry deals, it is itself organic, living, productive. There is moreover, as I have already hinted, between all branches of knowledge and of liberal art, whether speculative or experimental, such an indissoluble bond, such a relation of interdependence, that you cannot advance any one without at the same time promoting all others. The pioneer in every walk of science strikes out sparks that not only guide his own researches, but illuminate also the paths of those around him, though they may be laboring in quite other directions. Examples of this kind might be multiplied without end, but I will content myself with an illustration or two from a science which deals only in abstract numbers and imaginary quantities, and utterly rejects experiment and observation as tests of truth or as instruments of its discovery. Who would have supposed that the intervals of the diatonic scale in music were capable of exact appreciation, and their relations of precise ascertainment, by numerical quantities? Who would have expected that pure mathematics would have been appealed to to decide between the rival claims of the corpuscular and the undulatory theories of light; or to ascertain the proportions and relations of elementary bodies not appreciable by any of the senses, in chemical combinations; or, as my accomplished friend from South Carolina (Mr. Holmes) suggests, that the authenticity of a disputed text in the Scriptures would be determined by an algebraical theorem? What do not astronomy, navigation, civil engineering, practical mechanics, and all the experimental sciences, owe to this one science, which in its investigations appeals to no empiricism, calls in the aid of none of the senses, none of the machinery of art or of nature.

But, independent of this particular point, the aid which the physical sciences may expect to derive from mere speculative knowledge, I should hope that at this time, and in this place, one might safely venture a plea in behalf of all that higher knowledge which serves to humanize, to refine, to elevate, to make men more deeply wise, better, less thoughtful of material interests, and more regardful of eternal truths. And let it not be said that our own brief history proves that great libraries are superfluous, because without them we have produced statesmen, civilians, orators, and jurisprudents, no wise inferior to the ablest of their European contemporaries. Without dwelling upon the stimulus of popular institutions, and the stirring excitement of our revolutionary and later history, which have

tended to encourage the development of this species of talent, the objection is sufficiently answered by saying that, in the case of most of the American statesmen of the Revolution, as well as of many of later date, private wealth has supplied the place of public provisions for the attainment of knowledge. In the period of our colonial history, the sons of wealthy families were often educated in the best schools of Europe, and the framers of our Constitution were chiefly men of high education and elegant attainments. Jefferson, whose writings are canonical with the democracy, had the best private library in America, and was a man of multifarious, if not of profound learning. The State papers of that remarkable era are, with few exceptions, obviously productions of men not merely of inspired genius or of patient thought, but of laborious acquisition; and they are full, not of that cheap learning which is proved by pedantic quotation, but of that sound discipline which is the unequivocal result of extensive reading and diligent research. Who have been the men, in all ages that have exercised the widest and most permanent influence both on the moral and physical well-being of man? The spirit of the crusades was roused by the preaching of a thoughtful solitary: Columbus was a learned scholar, and Luther but a studious monk. Watt, the great improver of the steam engine, was a man of curious and recondite learning. Bonaparte was carefully educated at the school of Brienne, and was through life a liberal patron of learning and the arts. The glorious rebellion of 1649 was the work of men of the closet; and Milton, who to our shame is less known among us by his prose than by his poetry, was its apostle. Our own independence was declared and maintained by scholars, and all men know that the French revolution had its germ in the writings of the Encyclopædists. All men, in fact, who have acted upon opinion, who have contributed to establish principles that have left their impress for ages, have spent some part of their lives in scholastic retirement. It is this very point—the maintenance of principles discovered and defended by men prepared for that service by severe discipline and laborious study—that so strikingly distinguishes the English rebellion of 1649 and our own Revolution from most other insurrectionary movements, and particularly from the French revolution. The English and American statesmen of those two periods were contending for *truths*, the French atheists and philosophers for *interests;* the former sought to learn their *duties*, the latter concerned themselves only about

their *rights;* the Anglo-Saxon was inspired by *principle*, the Gaul was instigated by *passion.*

The principles of American liberty, which education and habit have rendered so familiar to us, that we fancy them intuitive or even instinctive, are in truth no more obvious than the physical theory of the universe; and the study of the philosophical and political history of the last three centuries will convince every inquirer, that their development from their germs, as involved in the fundamental doctrines of the Reformation, has been the work not of unconscious time only, but has required the labor of successive generations of philosophers and statesmen.

I look upon a great and well selected library, composed of the monuments of all knowledge, in all tongues, as the most effective means of releasing us from the slavish deference, which, in spite of our loud and vaporing protestations of independence, we habitually pay to English precedents and authorities, in all matters of opinion. Our history and our political experience are so brief, that, in the multitude of new cases which are perpetually arising, we are often at a loss for domestic parallels, and find it cheaper to cite an English dictum than to investigate a question upon more independent grounds. Not only are our parliamentary law, our legislative action, our judicial proceedings, to a great extent fashioned after those of the mother country, but the fundamental principles of our Government, our theory of the political rights of man, are often distorted, in order that they may be accommodated to rules and definitions drawn from English constitutional law. Even the most sacred of political rights, the right of petition, I have heard both attacked and defended upon this floor, by very sufficient Democrats, entirely upon precedents drawn from the practice of the British Parliament, Our community of origin, language, and law, exposes the younger nation to the constant danger of being overshadowed by the authority of the elder. It is a great evil to a young and growing people, as well as to a youthful and aspiring spirit, to have its energies cramped, and its originality smothered, by a servile spirit of conformity to any one model, however excellent; and it is quite time for us to learn, that there are other sources of instruction than the counsels and example of our ancient mother.

Sir, I make these remarks in no narrow feeling of jealous hostility to England; still less at this crisis, when some are seeking to raise a whirlwind of popular indignation against that country, upon which they may themselves float to

power, would I join in any vulgar denunciations of a people from whom we have borrowed so much. We owe to England much of our political principles, many of the foundations of our civil and religious liberties, many of the most valuable features of our jurisprudence. Something, indeed, we have repaid. England, in common with all Europe, has profited by our experience. The grasp of feudal oppression has been relaxed, the atrocious severity of the criminal law has been mitigated, judicial proceedings have been simplified, the subject has been admitted to a larger participation in the concerns of government, monopolies are becoming obsolete, and the responsibilities of rulers are felt to be more stringent. To the credit of many of these ameliorations we may fairly lay claim; while in science, and its application to the arts, we have sustained no disgraceful rivalry with our transatlantic brethren. But no generous man thinks his debt of gratitude canceled till it is thrice repaid, and we have therefore yet much to do, before we can say that America is no longer the debtor of England. Let us, then, seize this one opportunity which a son of her own has offered us, and build with it a pharos, whose light shall serve as well to guide the mariner in the distant horizon, as to illuminate him who casts anchor at its foot.

But what are we offered instead of the advantages which we might hope to reap from such a library as I have described? We are promised experiments and lectures, a laboratory and an audience hall. Sir, a laboratory is a charnel house, chemical decomposition begins with death, and experiments are but the dry bones of science. It is the thoughtful meditation alone of minds trained and disciplined in far other halls, that can clothe these with flesh, and blood, and sinews, and breathe into them the breath of life. Without a library, which alone can give such training and such discipline, both to teachers and to pupils, all these are but a masqued pageant, and the demonstrator is a harlequin. This is not a question of idle speculation, it is one that experience has answered. There are no foci which are gathering and reflecting so much light upon the arcana of natural science as the schools of Paris and of Germany, and all scholars are agreed that the great libraries of those seminaries, and the mental discipline acquired by the use of them, are, if not the sole means, at least necessary conditions, of their surpassing excellence.

But we are told that these experimental researches will guide us to the most important of all knowledge, that, namely, of common things. Sir, what are common things?

Is nothing common but these material frames of ours; nothing, but the garments we wear, the habitations that shelter, and the food that nourishes us; nothing, but the air we breathe, the fowls of heaven, the beasts of the field, the herbs, the trees, and the rocks around us? Is nothing common but the glittering sands beneath our feet, and the glittering stars on which we gaze? Sir, these are indeed common, and well it is to understand their uses, and so far as our dim vision can pierce, even their natures also. But are there not things even more common, nearer to our inmost selves, harder indeed, but more profitable to be understood; objects not limited by the three dimensions, not ponderable, not cognizable by any of the senses, and yet subjects of precise definition, of logical argument, of philosophical interest, and of overwhelming importance? Sir, the soul of man is a very common thing; his relations to his Maker and to his fellows, the laws of his moral and intellectual being, his past history and his probable future destiny, the principles of government and the laws of political economy—all these are common things, the commonest indeed of all things, and shall we make no provision for instruction in these?

But, sir, the knowledge of what are called the physical sciences is of far less importance, even in reference to the very objects which they are supposed especially to promote, than is generally believed. There was an age—I should say ages—brilliant and glorious ages of philosophers, of statesmen, of patriots, of heroes, and of artists, and artizans too; when, as yet, the sciences of chemistry, and mineralogy, and metallurgy had neither name nor being—when experimental research was unknown, and the raw material of the arts was prepared for subsequent manipulation in no laboratory but the hidden workshops of nature—when the profoundest philosophers were content with resolving all material things into the four elements, and men knew nothing of that subtle analysis and those strange powers, whereby the elements themselves are decomposed, the ingredients of the atmosphere solidified, and granite, porphyry and adamant, resolved into imperceptible gases. And what sir, have our boasted researches taught us to accomplish in the industrial arts, that the cunning workman of Egypt, and Tyre, and Greece could not do three thousand years ago? Can our machinery rear loftier piles than the Pyramids, or move more ponderous masses than the stones of Persepolis, or the monolithic temples of Egypt? Is a European princess arrayed in finer webs than the daughter of a Pharaoh,

or decked in colors more gorgeous than the Tyrian purple? Can the chemistry of England compound more brilliant or more durable pigments than those which decorate the walls of the catacombs of the Nile? Can the modern artist, with all the aid of his new magnifiers, rival the microscopic minuteness of some ancient mosaics; or can the glass-workers of our times surpass the counterfeit gems of antiquity?

Sir, modern chemistry, metallurgy, and machinery, have multiplied, cheapened, and diffused—not improved—the products of industrial art; and herein lies our superiority, not that we can do *better*, but, by bringing to our aid the obedient forces of nature, we can do *more*, than our predecessors. In this point of view, regarding modern improvements in these arts as the great equalizers of the conditions of different ranks in society, no man can estimate them more highly than I do, and I hope soon to have an opportunity of showing that I duly appreciate them. But I must protest against that classification of the objects of human knowledge, which, by giving them an undue pre-eminence, elevates empiricism above true science, prefers matter to mind, and, in its zeal to advance the means, quite loses sight of the end.

Sir, these arts are the right hand, not the spirit, of true progressive democracy; they are the lever that shall move the world, not the immaterial mind that shall guide it.

Mr. Chairman, at present I neither propose nor expect any modification of this bill. I am content with it as an experiment, though I should prefer the appropriation of the entire income of the fund for one generation—three times only as long as it has now lain idle—to the purpose of founding such a library as the world has not yet seen. If I support the bill, I shall support it, I repeat, as an experiment, but in the confident hope that the plan will soon be so changed as to make the Smithsonian Institution a fitter representative of a charity which embraces all knowledge as its object, and appoints the whole human race its beneficiaries.

Mr. MORSE said he desired to submit a few observations in relation to the disposition of this fund.

Expressing the pleasure which he had derived from the argument of the learned and eloquent gentleman, [Mr. MARSH,] who had just taken his seat, he [Mr. MORSE] was still of opinion that if anything could be drawn from the character of the testator, or from his habits and pursuits, as to the direction which he desired his bequest should take, it

was of a much more practical nature than that contemplated either by the gentleman from Vermont, [Mr. MARSH,] or by the originators of the bill before the House. Mr. Smithson was a practical man; and although endowed with the highest learning, he yet condescended to devote his time to a subject of the most domestic and homely character. If his intention had been to establish a university, or a magnificent library, and thus to have his name transmitted to posterity, it would have been easy for him to have said so, and nothing would have been left to this country but to carry out his enlightened and liberal intentions. But he had no doubt studied the peculiar character of the American people, and discovered, that whilst they entertained a proper respect for the learning and genius of the German universities, of the sciences taught in the universities of Europe, still there was something in the common sense and practical knowledge of that people which comported with his notions; and he desired that this money should be devoted to some plan of diffusing practical and useful knowledge amongst them.

Mr. MORSE referring to some portions of the argument of Mr. MARSH, inquired what there was in the learning and science of Europe comparable to the discovery of the steam engine by an American, or of the cotton-gin, or of the magnetic telegraph? All our inventions had a tendency to improve the condition of the human race, and particularly of the common people; and it was no doubt under a just and proper appreciation of that character, that the testator left his money to be applied to such objects. Did he intend to establish a university? No. Did he intend to establish a magnificent library? No. He knew that the world was full of musty compilations, of the productions of learned authors, to be wondered at more for their extent than for their usefulness. He (Mr. M.) was not among the number of those who wished to depreciate the learning treasured up for ages past by the book-makers and book-collectors of all nations; but he proposed to offer to the consideration of the committee a substitute, which, he thought, would remove some of the constitutional objections raised against the bill, and which would, in his judgment, meet the intention of the donor.

He did not wish, however, to interfere with the progress of this bill. He concurred in the opinion which had been expressed, that it was a crime, a burning sin, that this nation should have held this money for ten years, in violation of a solemn trust, and in violation of the solemn obli-

gations imposed upon every man who, at this bar, had taken the oath to support the constitution and to act for the best interests of the people. It was in violation of that spirit which ever ought to actuate the American nation, to be the recipient of this munificent sum, and yet to suffer the people—the masses, the *oi polloi*—to be so long deprived of any benefit from it. But if there was strength enough in the House to pass the bill, he had no particular pride in taking another course. He should, therefore, submit his proposition at the proper time, leaving the committee to act upon it as it might think proper.

The substitute, of which Mr. M. gave notice, is in the following words:

A BILL to establish the Smithsonian Institution for the "increase and diffusion of knowledge among men."

Whereas James Smithson, Esquire, of London, in the Kingdom of Great Britain, by his last will and testament did give the whole of his property to the United States of America, to found, at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men; and whereas the creation of a university, academy, or college, is liable to constitutional difficulties, sectional jealousies, and would absorb a large proportion of the funds in the erection of buildings, and would more or less interfere with the numerous institutions throughout our country; and with a view of carrying out, in the simplest form, the benevolent intentions of the donor:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the management of this fund shall be entrusted to a board of managers, to be styled the Trustees of the Smithsonian Legacy, to be composed of the President and Vice President of the United States, the Chief Justice, during the time for which they shall hold their respective offices, the heads of the different departments, the foreign ministers, the Mayor of the city of Washington, members of the Senate and House of Representatives, together with seven other persons, two of whom shall be members of the National Institute, and resident in the city of Washington, and the other five thereof shall be inhabitants of States, and no two of them of the same State. And the managers to be selected as aforesaid from Congress shall be appointed immediately after the passage of this act—the members of the Senate by the President thereof, and the members of the House by the Speaker thereof; and those so appointed shall serve until the fourth Wednesday of December the second next after the passage of this act; and then, and biennially thereafter, on every alternate fourth Wednesday of December a like number shall be appointed in the same manner to serve until the fourth Wednesday in December the second succeeding their appointment; and they shall also constitute and be denominated a joint standing committee of Congress on the Smithsonian Institution; and vacancies occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled; and the other seven managers aforesaid shall serve for the term of two years from the fourth Wednesday of December next after the passage of this act; when, and on every alternate fourth Wednesday of December thereafter, a new election thereof shall be made by joint resolution of Congress; and vacancies occasioned by death, resignation, or otherwise, may be filled in like manner, by joint resolution of Congress. And the said managers shall meet and organize, by the choice of a president, in the city of Washington, on the first Monday in September

next after the passage of this act, and they shall then fix on the times for regular meetings of the board; and on application of any three of the managers to the superintendent of the said institution, it shall be his duty to appoint a special meeting of the board, of which he shall give notice by letter to each of the members; and at any meeting of the board of managers, five shall constitute a quorum to do business. And each member of the board of managers shall be paid his necessary traveling and other actual expenses in attending meetings of the board, which shall be audited and recorded by the superintendent of the institution; but his service as manager shall be gratuitous. And whenever money is required for the payment of the debts or performance of the contracts of the institution, incurred or entered into in conformity with the provisions of this act, or for making the purchases and executing the objects authorized by this act, the superintendent or the managers, or any three thereof, may certify to the president of the board that such sum of money is required; whereupon, he shall submit the same to a committee of three of the managers, appointed for that purpose, for examination and approval; and upon such examination and approval, he shall certify the same to the proper officer of the Treasury for payment. And the said board shall make all needful rules, regulations, and by-laws, for the government of the institution and the persons employed therein, and shall submit to Congress, at each session thereof, a report of the operations, expenditures, and condition of the institution.

And be it further enacted, That, so soon as the board of managers shall be regularly and legally organized, it shall be their duty to cause to be published, for the space of one year, in such of the most widely circulated newspapers in the United States and in Europe, as they may deem best, the offer of suitable rewards or prizes for the best written essay on ten subjects, the most practical and useful which the majority of said board shall determine upon. And when, after a decision upon the relative merits of the different essays, they determine to which the prize shall be awarded on the several subjects, it shall be their duty to have as many copies of each of the essays printed as they may deem best, to be distributed to the Governors of the several States; to the several incorporated literary universities; to such European institutions as they may choose; and the balance to be distributed throughout the United States, by the members of Congress, thus fulfilling, in the letter and spirit, the wise and comprehensive intentions of the donor for the increase and diffusion of knowledge among men.

Mr. OWEN desired to say a few words in reply to the gentleman from Vermont, [Mr. MARSH,] and the gentleman from Louisiana, [Mr. MORSE.] The gentleman from Louisiana had already given the most important item in reply to the gentleman from Vermont—namely, that we had no right to run counter to what might clearly seem to be the intention of Mr. Smithson. This fund was not ours; it was intrusted to us for a special purpose; and unless we could believe that he would desire, if living, the establishment of a library, the money ought not to be so appropriated.

This bill had been framed in a spirit of compromise. The original Senate bill of the last session appropriated $5,000 for this object. The gentleman from Vermont, Mr. Owen believed, proposed twenty thousand. The bill proposed a medium—a sum not exceeding ten thousand dollars. He hoped the House would not go further. A gentleman who

had formerly been librarian of Congress, in conversation with him, had said that he thought it was impracticable to purchase, with advantage, more than ten thousand dollars' worth of books. The duty must be intrusted to one agent, to prevent the purchase of duplicates; and no one agent could purchase advantageously more than this amount; so that there was a practical difficulty in the way.

In relation to the course suggested by the gentleman from Louisiana, [Mr. MORSE,] the same plan had occurred to Doctor Cooper, of South Carolina, but had been rejected by him. [Mr. Owen here read an extract in support of this assertion.]

As to a cheap publication branch, he would remind the committee that we already had one. In looking over the periodicals of the day, it did not appear that the prize essays were the best; the voluntary essays seemed to be so. We should find plenty of treatises of a most useful character, without paying a dollar for them. The mere gratification of having them published would be inducement sufficient to enable us to obtain them.

The gentleman said that there should be no laboratory; that it was not the design of Mr. Smithson. The fact that Mr. Smithson spent half of his life in a laboratory seemed to refute this objection.

There was little in the bill of an imperative character in relation to all these various branches. Its phraseology was "may." If, therefore, it was discovered that one branch would be more beneficial than another, there was the power to adopt it. There was nothing at all binding about it.

Mr. CHIPMAN spoke urgently in opposition to the bill. His first reason for voting (as he said he intended to do) was based on a fact that was irrevocable—namely, that this Government, great and powerful as it was—prospering and progressing as it was in original native intellect, fostered by institutions known to no other country, and no other people—should have consented to be the recipient of what was called here a munificent donation of half a million from an Englishman to enlightened American republicans in this country. How did it happen that this Government accepted such a boon from a foreigner—an Englishman, too. He looked upon it as a stain on the history of the country, as an insult to the American nation. He wished this Government to wash its hands of all such eleemosynary dealings. There was a native stock in this country, intellectual and physical, that needed no foreign aid, and he trusted in God it would not condescend to receive any.

In making these remarks, he would probably be charged with being opposed to education. He was opposed to it in the light in which, in modern times, it was sought to be inculcated in this country—an education which passed over all thought, all reflection, all originality, and was based upon an intellectual lumber-house of undigested and indigestible matter; thrown together in the head of some aspirant after immortal intellectual fame, without originality enough to give character, he would not say to what—he *had* a term, but probably it might be inappropriate for him to utter it here. How the donor of this money, being an Englishman, came to love this country so well, God only knew; but he (Mr. Chipman) would say that in yielding to his suggestion, the country had humbled and degraded itself.

He objected to the bill, because, clearly and in terms, it established a corporation. He appealed to his political friends, after all their opposition, after all their arguments, after all their efforts to put down a United States bank on the ground of its unconstitutionality, whether—tickled, amused, their pride touched by the great advantages of dispelling the cloud of ignorance which overshadowed the American Republic—they would now belie all their principles and all their professions? What distinction was there between a corporation in the form of a United States bank and a corporation intended to elevate humanity in close approximation to the throne of Heaven? He appealed to his friends here—to those who held their seats by virtue of the very opposition they had made to the Bank of the United States—whether this Government had the power to create a corporation? The rose by any other name, &c., and a corporation by any other name, should be as offensive to the Democracy. Was it necessary to label the animal, that we might know to what species it belonged, as was done in the case of the Dutchman's picture of a man with the horse, where the name was put upon it, that the beholder might know what it was? He declared that the bill proposed the establishment of one of the most withering and deadly corporations, carrying with it all the features of an aristocracy the most offensive that could be established in any country under heaven. He was opposed to an aristocracy of wealth; but he was in favor of an aristocracy of intellect—not of false education—not of knowledge that consisted in bringing together exploded ideas—but of that knowledge which was the offspring of an intellect patented directly by the Almighty.

Mr. Chipman then proceeded to state some general objections to the bill, diverging considerably into the field of party politics.

In conclusion, he declared himself in favor of some such plan as had been proposed by the gentleman from Tennessee, [Mr. JONES.]

On motion of Mr. BAYLY, the committee rose, and reported.

Mr. OWEN offered a resolution to close the debate in an hour and a half.

The resolution, by ayes 92 noes 44, was laid on the table.

After some conversation—

On motion of Mr. ADAMS, the rules were suspended, to enable him to offer the following substitute amendment to the bill; which, amendment having been read by itself, was referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

Strike out the preamble, and all except the enacting clause, and insert:

That the President of the United States be requested, by the use of suitable means of moral suasion, and no others, to obtain from the Governments of the States of Arkansas, Illinois, and Michigan, payment of the arrears of interest due from the said States to the United States, and the interest thereafter, and the principal as it shall become due, according to the promises on the face of the bonds given by the said States for moneys bequeathed by James Smithson, a benevolent Englishman, to the United States of America, for the special purpose of founding at the city of Washington an institution for the increase and diffusion of knowledge among men, which bequest was, by act of Congress, approved on the first of July, 1836, accepted, with a pledge of the faith of the United States that it should be applied to the purposes prescribed by the testator.

SEC. 2. *And be it further enacted,* That when payment shall have been obtained from the said States of Arkansas, Illinois, and Michigan, of the arrears of interest due on their said bonds, Congress shall forthwith proceed to appropriate said sums of interest so recovered, together with the interest hitherto received, or hereafter to be received, until the time of making such appropriations, in such manner as they shall deem suited, to redeem the pledge of the faith of the United States, to the application of the funds of the bequest of the said James Smithson, to the specific purpose prescribed by the testator.

SEC. 3. *And be it further enacted,* That until the arrears of interest due by the said States of Arkansas, Illinois, and Michigan, to the United States, upon their said respective bonds, shall have been received at the Treasury of the United States, no appropriation shall be made by Congress chargeable upon the people of the United States, for the fulfillment of the purposes prescribed by the testator, James Smithson, for the disposal of his bequest.

SEC. 4. *And be it further enacted,* That within the first thirty days of each and every successive session of Congress, it shall be the duty of the Secretary of the Treasury to report to Congress the then actual state of the Smithsonian fund, and particularly the amount of arrears of interest due upon the said bonds of the States of Arkansas, Illinois, and Michigan; together with copies of all correspondence, showing the result of the means

of moral suasion used during the preceding year, to obtain payment of the said arrears of interest; and the said annual reports shall be printed for the information of the people.

The further consideration of the bill was postponed until Monday next.

HOUSE OF REPRESENTATIVES, *April* 27, 1846.

The Speaker said the special order of the day was the bill in relation to the Smithsonian Institution.

Mr. COBB offered the following resolution:

Resolved, That all debate in the Committee of the Whole House on the state of the Union on House bill (No. 5) to establish the "Smithsonian Institution" for the increase and diffusion of knowledge among men, shall cease in two hours after the same shall be again taken up in the Committee of the Whole House on the state of the Union, (if the committee shall not sooner come to a conclusion upon the same;) and the committee shall then proceed to vote on such amendments as may be pending or offered to the same, and shall then report it to the House, with such amendments as may have been agreed to by the committee.

The said resolution was read; when the question was stated, Will the House agree to the said resolution? Mr. GRAHAM moved that it be laid upon the table.

And the question being put, it was decided in the negative—yeas, 78; nays, 82.

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

YEAS—Messrs. John Q. Adams, Arnold, Ashmun, Barringer, Bedinger, Bell, Buffington, Burt, W. W. Campbell, J. H. Campbell, Carroll, John G. Chapman, A. A. Chapman, Cocke, Cranston, Crozier, Dargan, Darragh, Garrett Davis, Delano, Dixon, Dockery, J. H. Ewing, E. H. Ewing, Foot, Giddings, Graham, Grider, Grinnell, Hampton, Harper, Herrick, Hoge, E. B. Holmes, S. D. Hubbard, Hudson, Washington Hunt, Hunter, C. J. Ingersoll, Joseph Johnson, Daniel P. King, Thomas Butler King, Lewis, Long, McHenry, Marsh, J. P. Martin, Barkley Martin, Miller, Morris, Moseley, Parrish, Payne, Pendleton, Pettit, Pollock, John A. Rockwell, Root, Runk, Seaman, Seddon, Severance, A. D. Sims, Truman Smith, Albert Smith, Caleb B. Smith, Stephens, Strohm, Thibodeaux, Tilden, Trumbo, Vinton, Wood, Woodruff, Woodward, Wright, Yancey, and Young.

Those who voted in the negative are—

NAYS—Messrs. Atkinson, Bayly, Biggs, James A. Black, Bowlin, Brodhead, Brockenbrough, W. G. Brown, R. Chapman, Chipman, Clarke, Cobb, Collin, Constable, Cunningham, Daniel, J. Davis, Dillingham, Dobbin, Dromgoole, Erdman, Faran, Ficklin, Fries, Garvin, Gentry, Giles, Gordon, Grover, Hamlin, Haralson, Harmanson, Hopkins, Hough, G. S. Houston, J. B. Hunt, Andrew Johnson, George W. Jones, Seaborn Jones, Preston King, Lawrence, Leake, Leib, La Sere, Lumpkin, Maclay, McClelland, McConnell, McCrate, McGaughey, McIlvaine, McKay, Morse, Moulton, Norris, Owen, Perrill, Phelps, Price, Rathbun, Relfe, Ritter, Sawtelle, Sawyer, Scammon, Simpson, Thomas Smith, Robert Smith, Stanton, St. John, Strong, Thomasson, Jacob Thompson, Thurman, Tibbatts, Vance, Wentworth, Wick, Wilmot, Yell, and Yost.

The question recurred on agreeing to the said resolution.

Mr. COBB moved the previous question, which was seconded; and the main question was ordered and put, viz: Will the House agree to the said resolution? and decided in the negative—yeas, 73; nays, 85.

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

YEAS—Messrs. Stephen Adams, Atkinson, Bayly, Biggs, Bowlin, Brockenbrough, Brodhead, William G. Brown, Augustus A. Chapman, Reuben Chapman, Chase, Clarke, Cobb, Collin, Constable, Cunningham, Daniel, Dillingham, Dobbin, Dromgoole, Dunlap, Erdman, Faran, Giles, Goodyear, Gordon, Grover, Hamlin, Haralson, Harmanson, Hopkins, Hough, George S. Houston, James B. Hunt, Hunter, Andrew Johnson, George W. Jones, Seaborn Jones, Preston King, Lawrence, La Sere, Lumpkin, McClelland, McConnell, McCrate, McKay, Morris, Morse, Moulton, Norris, Payne, Phelps, Price, Rathbun, Reid, Relfe, Ritter, Sawyer, Scammon, Seddon, Thomas Smith, Robert Smith, St. John, Strong, Jacob Thompson, Thurman, Tibbatts, Vance, Wentworth, Wick, Wilmot, Yell, and Yost.

Those who voted in the negative are—

NAYS—Messrs. John Quincy Adams, Arnold, Barringer, Bedinger, Bell, Milton Brown, Buffington, Burt, William W. Campbell, John H. Campbell, Carroll, John G. Chapman, Cocke, Collamer, Cranston, Crozier, Dargan, Darragh, Garrett Davis, Jefferson Davis, Dockery, John H. Ewing, Edwin H. Ewing, Foot, Fries, Giddings, Graham, Grider, Grinnell, Hampton, Harper, Herrick, Hilliard, Hoge, Elias B. Holmes, Samuel D. Hubbard, Hudson, Washington Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, Joseph Johnson, Daniel P. King, Thomas B. King, Leake, Lewis, Levin, Long, Maclay, James McDowell, McGaughey, McHenry, McIlvaine, Marsh, Barkley Martin, Miller, Moseley, Parrish, Pendleton, Perrill, Pollock, John A. Rockwell, Root, Runk, Sawtelle, Schenck, Seaman, Severance, Alexander D. Sims, Truman Smith, Albert Smith, Caleb B. Smith, Stephens, Strohm, Thibodeaux, Thomasson, Tilden, Trumbo, Vinton, Wood, Woodruff, Woodward, Wright, Yancey, and Young.

So the said resolution was rejected.

HOUSE OF REPRESENTATIVES, *April* 28, 1846.

On motion of Mr. OWEN, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. BURT, of South Carolina, in the chair,) and resumed the consideration of the bill to provide for the establishment of the Smithsonian Institution for the increase and diffusion of knowledge amongst men, and the amendments thereto pending.

Mr. A. D. SIMS said that, before entering on the consideration of the main question before the committee, he desired to invite its attention to the consideration of the Smithsonian fund, and to express his views upon what he considered to be the true light in which that fund should be regarded.

Under the will of the late James Smithson, the bequest

made by him was paid over to the United States. The money, under the action of Congress, was loaned out to certain States. No matter for what purpose that fund might be dedicated, the faith and the honor of the country, by the action of Congress, were pledged to regard it at all times as being in the Treasury of the United States; and the United States was in fact itself a creditor of the States to whom the money was loaned; so that the Arkansas, or Michigan, or Illinois bonds or securities—or the securities of any State to which this money had been loaned—were in fact debts due to the general Government; and the fund itself must be regarded as in the Treasury of the United States.

Mr. McClelland here rose to explain, and (Mr. Sims yielding) Mr. McClelland said that a misapprehension prevailed in the committee as to the payment of the interest by the State of Michigan on that portion of the Smithsonian fund invested in the bonds of that State. He considered this interest paid; and from the report of the Secretary of the Treasury, it appeared that the amount claimed to be due on the 1st of January last was $181.07; and this had, in all probability, been more than paid by the application of the five per cent. fund up to this period. In June, 1845, the then auditor-general of the State of Michigan endeavored to obtain a statement of this account, and the five per cent. fund, in order to make provision for the payment of any balance that might be found due, but failed. On the 7th of November last, he wrote and requested him (Mr. McClelland) to make the necessary inquiries, with the same view; and soon after his arrival, at the commencement of this session, he wrote to the proper department for the required information, but did not receive any reply until the 27th of February, and then he was advised that the small amount before stated was due. This statement he had forwarded to the present auditor-general. He (Mr. McClelland) had no doubt provision would be made for the prompt payment of the interest hereafter to accrue if the five per cent. fund was found to be insufficient. Whilst up, he would state that the authorities of Michigan had consented to the application of the five per cent. fund to the payment of this interest, and that the resolution passed by the last Congress, directing this application, was shown to him by the chairman of the Committee of Ways and Means [Mr. McKay] before it was offered, and was fully approved of by him, and was supported by the entire delegation from Michigan in both Houses. In conclusion, he would say, that he believed the

State would make every effort to pay all just claims against it; and in regard to this fund, would at all times pay the interest fairly and honorably.

Mr. SIMS continued. He had not intended (he said) by any remark he had made to inculpate any State to which this fund might have been loaned. He merely wished to show what the duty and the obligation of the Government were in regard to the fund itself. Whatever disposition might finally be made of it—whether an institution such as was contemplated should be established; whether the fund should be returned to the British chancery; or whether it should be distributed among the heirs of Smithson—no difficulty ought to arise as to the fact of the fund itself having been loaned out by the Government; and that, for all honorable, practical, and proper purposes, it must be regarded in good faith as in the Treasury of the United States, to be devoted to whatever purpose might be thought proper. For his own part, he had no apprehension or fear but what each of the States would in good time and in good faith redeem their obligations, and refund every dollar that had been loaned to them.

He now approached the main question. Much had been said in praise of the munificent and splendid liberality of James Smithson. It had been said that, animated by a spirit of benevolence to his race, he had made his will, constituted the Government of the United States his trustee to carry out his intentions, and had dedicated to the noble purpose of the increase and diffusion of knowledge among men an entire estate, under the management of the Government of the United States. It was not his (Mr. Sims) disposition, nor was it his wont, nor would it become him, to speak in terms of reproach of one who now slept under the sod. But he must be permitted to say, that none of these feelings of pride and admiration which seemed to glow in the bosoms of some gentlemen, in contemplating the will of Mr. Smithson, found an echo in his (Mr. Sims) heart. He saw in the will of that individual what he had seen in the wills of many other men. After having griped, through their lives, every shilling that came into their hands, animated at last by some posthumous vanity, they sought to build up a name which should live after them; and such, rather than any feeling for humanity, so much lauded, was the motive that guided them. In the present case he saw abundant evidence of this disposition in the appointment of the Government of the United States as a trustee to carry out this splendid vanity.

Mr. S. then proceeded to contend that the Government was not instituted for any such purposes as the administration of charities. There was no grant of power in the Constitution admitting such an exercise. And as there was no such power, and as this fund was still under our control, and as the trust had not been executed, it became Congress to pause, and to retrace, so far as possible, the errors it had already committed. There was but one power in the Constitution under which this charity could be administered, and that was as a local legislature for the District of Columbia. But that would not fall within the intention and design of the testator. It was not intended that this fund should be applied to the exclusive purpose of the use of the District of Columbia. The only true course would be to reject all these plans, including the substitute which had been offered by the gentleman from Massachusetts, [Mr. ADAMS.] And if this were done, he (Mr. Sims) pledged himself that, should no other member do so, he would introduce a bill repealing all laws heretofore enacted on this subject, and giving authority and direction for the restoration of the money to the British chancery. It could then be devoted to purposes in England similar to those which had been contemplated in the city of Washington. The only difference would be in the location of the institution.

Mr. ADAMS said, in this matter he was in favor of carrying out the principle of the ancient proverb—"Catch the bear before you sell his skin." But a very small portion of these funds was now in the Treasury; and the bill proposed to take from the Treasury the money of the people of the United States, raised by taxation, to the amount of seven or eight hundred thousand dollars, to be expended in lieu of the fund of the late Mr. Smithson, which was not in our power at present. The gentleman from South Carolina [Mr. SIMS] said that this money was to be *considered* as if it was in the Treasury of the United States. Mr. Adams would be very glad if he could so consider it.

Mr. SIMS said, in the report which the gentleman from Massachusetts made to this House a few years ago, he took the identical ground that this money ought to be considered in the Treasury, and that Arkansas, and the other States in whose bonds this was invested, were debtors of the general Government.

Mr. ADAMS replied, that if any report made by him three or four years ago stated that this money was to be considered in the Treasury of the United States, he would inform the gentleman and the committee that he had had some

experience since that time that convinced him very perfectly that it was *not* in the Treasury of the United States.

It was the office of the amendment which he proposed, to try to get it back into the Treasury, to enable the Congress of the United States to redeem the pledge which they gave, by the acceptance of this fund, to this nation, to the memory of the testator, and the civilized world, that it should be faithfully applied according to the intentions of the donor. The money was not in the Treasury, and could not, without a violation of all reason, be *considered* in it.

The question whether the Treasury of the United States, or the people of the United States, were responsible for this money and for its application, according to the intent of the testator, Mr. Adams was understood to say, was another question. If it were necessary now, in order to redeem the plighted faith of the nation, he was ready to vote an appropriation of that amount, or of ten times that amount, to be raised by a tax upon the people. But he did not think the contingency had arisen, and especially that it had not arisen for the application of the money to any of the purposes proposed in this bill.

He had heard with great delight the learned and ingenious remarks of the gentleman from Vermont [Mr. MARSH] a few days since; and especially that portion which advocated the application of that fund ultimately to the only purpose of erecting a great and magnificent library, instead of the paltry application of $5,000 a year out of the more than $30,000 which this sum ought to give us. There was no other object to which it could be more worthily applied to promote the object of the testator.

To the main object proposed by the bill—viz: the application of a large portion of the fund to the education of teachers of normal schools—Mr. Adams expressed his decided opposition. He would rather have the whole money thrown into the Potomac than to appropriate one dollar for that purpose.

Mr. Adams alluded to some facts in the history of this funds, howing his own connection with it, the circumstances under which it was received, the investment, three days after it was received, of $500,000 in Arkansas bonds, and the remainder in bonds of Michigan, Illinois, and Ohio; the payment by Ohio of her interest and the failure on the part of Arkansas to pay a cent of her interest, &c.

Mr. THURMAN (Mr. Adams yielding) inquired for information of Mr. ADAMS whether this investment in the bonds

of Arkansas was made without any warrant or authority of law?

Mr. ADAMS. The fact is directly the reverse. Mr. Adams stated the circumstances under which the legalized investment was made. On a bill for the support of the West Point Academy, a provision was engrafted (he said) that this fund should be invested in State stocks. He commented upon the incongruity of the two subjects in terms which excited the merriment of the committee.

He next reviewed the legislative history of this subject during the four Congresses which have elapsed since the receipt of the fund eight years since, giving a minute account of the various propositions made in reports to both Houses of Congress, and their respective fates—none of them having received the sanction of both Houses. When it first came before Congress, and he believed this money was in the Treasury of the United States, he was of opinion among the sciences the pursuit of which was recommended by the testator, that of astronomy was the first to which a portion of the interest should be applied.

In the administration of this fund there were two or three principles that should be pursued. One was, that it should never cost the people of the United States a dollar—that it should support itself. Another, that no part should ever be applied to the ordinary purposes of education of children. He felt on that subject something the feeling of the gentleman from Michigan, [Mr. CHIPMAN,] that it was unworthy the people of the United States to receive foreign aid for the education of their children. It was their own duty to do it for themselves, and not to depend on any eleemosynary bequest for it. There was no way in which the States could more degrade themselves than by relying on foreign aid or on the general Government for the education of their children. He differed with him on other points, however, and thought it highly proper that it should be received to carry out the intent of the testator, for the "increase and diffusion of knowledge among men."

Mr. SIMS, of South Carolina, inquired of the gentleman from Massachusetts the power under the Constitution by which Congress was authorized to accept and administer this fund?

Mr. ADAMS. If the gentleman will point me to the power in the Constitution of the United States *to annex Texas*, I will answer his question.

Mr. SIMS. If the gentleman finds the power under the same clause, it is certainly a novel clause under which to

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Mr. SIMS. If the gentleman finds the power under the same clause, it is certainly a novel clause under which to

claim it—that which, in express terms, permits new States to be admitted into the Union.

Mr. ADAMS. I presume the gentleman considers that a *constructive* power; and if so, it will answer for what it is worth. He (Mr. Adams) could find in the Constitution many clauses besides that authorizing Congress to provide for the common defence and general welfare. What means more efficient to this end than the increase and diffusion of knowledge among men.

Mr. Adams further opposed the application proposed by the bill under consideration to the ordinary purposes of education, on the ground of inequality of the benefits it would confer—the State of Massachusetts, (a fact of which he was proud,) the State of New York, the "Empire State," and Virginia, another empire State, (to whose citizens our present Minister to Brazil, before he left the country, addressed a letter, calling on them to tax themselves for the education of their children—for which he should honor him, if he had never done anything else in his life,) and other States—having themselves made provision for the education of their children, so that they would not thank Congress for making this application of this fund. The State of Indiana, from which the gentleman [Mr. OWEN] came, who reported this bill, had property enough to take care of her own children, without wasting this fund for such a purpose.

He would say nothing further of other provisions of the bill. Some of them were proper, others were not. But an experience of eight or ten years, since we received this money, had shown him, that whenever distinguished scientific men were called upon for their opinions, scarcely two agreed.

In addition to the application of a portion of this fund to the science of astronomy, there was another provision which he found, and which he was happy to see this bill made, viz: that no portion of the fund should be appropriated—that it should be a perpetual fund. It was the interest which was to be applied.

But in the meantime, while this delay had taken place, he was delighted that an astronomical observatory—not perhaps so great as it should have been—had been smuggled into the number of the institutions of the country, under the mask of a small depot for charts, &c. There was not one word about it in the law. He would like to ask the gentleman from South Carolina, [Mr. SIMS,] where was the power under the Constitution to make this appropriation?

Mr. SIMS said, he did not know; but since the doc-

trine promulgated by a distinguished President of the United States, of erecting light-houses in the skies, had grown into popular favor, he should presume that the gentleman would find no difficulty as to the question of power.

Mr. ADAMS said he was very glad to hear that it had grown into popular favor. The appropriation for this astronomical observatory, he repeated, had been clandestinely smuggled into the law, under the head of a depot for charts, when a short time before a provision had been inserted in a bill passed, that no appropriation should be applied to an astronomical observatory. He claimed no merit for the erection of the astronomical observatory; but in the course of his whole life, no conferring of honor, of interest, of office, had given him more delight than the belief that he had contributed, in some small degree, to produce these astronomical observatories, both here and elsewhere. He no longer wished any portion of this fund applied to an astronomical observatory.

Nor did he think it important to the people that any provision of this bill should be carried into effect immediately, but rather that measures should be taken to induce the States to pay the interest on their bonds, and then let the money be appropriated to any purpose on which Congress could agree more unanimously than on this bill.

He noticed among the objections made, that against making of this institution an incorporation. He urged that it was indispensably necessary to form the board into an incorporation; that unless it were done, the funds would be wasted in five years; that there would be no power in the institution, not even the power of succession; that it would fall into the hands of a joint committee of Congress, who would dispose of it as faction, party spirit, or caprice should dictate. He scouted the idea of the unconstitutionality of the establishment, by Congress, of the corporations in the District of Columbia, as in contravention of the uniform legislation of the country, in the corporation of colleges, benevolent societies, the National Institute, &c.

In conclusion, believing that they could not agree very well on this bill, and that, *by the time* we got this money of Arkansas and the other States, they could agree better, he sent up to the clerk's table, where it was again read, the amendment of which he gave notice last week.

On the faith (he said) of observations of the gentleman from Michigan, that Michigan had regularly paid the interest on her bonds, he modified his amendment, by striking out the word "Michigan," wherever it occurred therein.

[Whilst Mr. ADAMS was speaking, the Speaker resumed the chair informally, to receive a message from the President of the United States, by the hands of J. K. Walker, Esq., his private secretary, informing the House that the President had yesterday approved and signed the joint resolution of notice to Great Britain, to annul and abrogate the convention of 1827 respecting the Oregon territory.

Mr. ADAMS remarked: A propitious interruption of the few remarks—worthless, in comparison—which I was addressing to the committee!]

When Mr. ADAMS had concluded—

Mr. TIBBATTS rose to propose an amendment, which, not being at the moment in order, was not presented.

Mr. A. JOHNSON expressed himself favorable to the adoption of the substitute amendment of Mr. ADAMS; but proposed, if that substitute should be voted down, to amend the first section as follows:

Strike out all after the word "next," in the 11th line, to the word "be," in the 14th line, and insert the following:

"And actually paid into the Treasury of the United States by the States which have borrowed and used said fund."

Mr. Johnson was satisfied (he said) that a large majority of the House was opposed to taking this sum out of the Treasury, for the purpose of establishing such an institution as was contemplated by this bill. It was true that the money had been received by the Government of the United States; but if the Government had been acting in good faith, and had vested these funds in bonds of the States, and these States had repudiated or refused to pay, was there a man here, who at this time would be willing to take this amount out of the pockets of his constituents for the erection of an institution of this kind? Was this Government bound to levy a tax upon the people for such a purpose? If it had been acting fairly as a trustee, if it had acted in good faith, and if this fund had been lost and destroyed, and not intentionally perverted or misapplied, it was no more responsible than any other trustee under such circumstances would be.

Some conversation took place between Mr. Johnson and Mr. Sims of South Carolina, as to the legal liability of trustees in certain cases.

Mr. Johnson insisted that there was neither authority for, nor justice in, taking this sum of money from the pockets of the people for the establishment of this institution, and he contended that no substantial good could result to the mass of the people, and that an annual appropriation would be

necessary from the Treasury of the United States to keep it in operation.

Mr. RATHBUN said he knew very little about this subject. He had taken very little pains to examine the bill before the committee. He had read no reports from previous committees. He had heard what had been said in relation to the project generally. And there were a few things connected with facts known to everybody which would control his vote.

We had received a fund of half a million of dollars and upwards, and had pledged the faith of the Government to execute the trust in the manner directed by the will of the testator—a solemn pledge in which every department of the Government had united. The fund was received for a particular and specified purpose—a purpose noble in its object, and desirable to all men who had any regard for the welfare of the human family. We had received this money, he repeated, to be applied to a specific purpose. Had it been so applied? We were told that we were not in possession of the money; that it had been loaned out improperly and improvidently to States that refused to pay. Were we authorized to loan it to States, whether they would pay or not? Was it given to us to be loaned out to any one? Was it not expressly designed by the person who gave it to the Government that it should be applied to a particular purpose, and none other? And was it not received on the condition that it should be so applied?

After yielding for an inquiry to Mr. A. Johnson, Mr. Rathburn proceeded. This Government had misapplied a fund given for a specific purpose; and when it was called upon, through a respectable committee, to appropriate the money to the object for which it was received, it was no answer to say, "We have loaned it out to the States, and they cannot pay us." It would not answer for an individual to say so—still less for a nation like ours. We were bound to-day, and we had been bound every day, when Congress was in session, for eight years past, to appropriate the money honestly, without undertaking to avoid the just responsibility by an excuse which was one of our own creation. Arkansas, it is said would not pay, and some other States refused to pay the interest. That was a matter between this Government and the State of Arkansas, and was no answer to the solemn pledge given to apply this money to a specific purpose.

The question arose, how should the money be appropriated? What was the mode best calculated to produce the most beneficial results? One gentleman wanted a library;

another, an observatory; a third, common schools; a fourth, farming schools; a fifth, some other particular object; and among the number was that proposed by the bill under consideration. For his own part, he did not feel disposed to object to any plan bearing plausibility on its face. He was in favor of expending the money in some way, and upon some scheme, faithfully and honestly; but, above all, he was in favor of appropriating and expending the money, whether the final result should be good or not. He wished to wipe out the stain which rested on the character of this Government of withholding the money because we were not able to discover the best mode of expending it. Let us take one step—let us do something; and if any blunder should be committed, experience would enable us to correct it. In his judgment, a library was the least plausible of the schemes proposed. The plan proposed in the bill was, in his opinion, one of the best that had been suggested.

The gentleman from Tennessee [Mr. A. JOHNSON] had asked whether any gentleman here would take the money from the pockets of the people for this purpose. He, (Mr. Rathburn,) for one, answered "yes." Let us take this money which the Government had taken, and, if gentlemen pleased, had squandered; let us honestly appropriate it and expend it as was designed.

He represented a constituency who would be among the last in the world to withhold a fair and honest expenditure of the public money, because the Government representing the people had misapplied it. He had no fear of a constituency worthy to be represented here, for doing what was honest on behalf of the Government and reputable on behalf of themselves. We had had the gold, as we had been informed. It had been placed in the public Treasury. It had not been wasted by accident. It had been applied under the deliberate action of the Government. The Government held the bonds. It might at some future day receive the money for them; but he did not believe in the propriety of waiting until, by "moral suasion," or any other kind of persuasion, the money was to be recovered from that improvident loan. He was ready to vote for the bill in which, so far as he understood it, he could discover no objectionable features. It had been digested and arranged by a committee as competent in point of learning, judgment, and capacity, as could be found in this or any other country. Some confidence must be placed in their recommendations, otherwise no action ever could be had on the subject.

If the plan had defects, time would develop them, and the proper remedy could be applied.

Mr. Ficklin opposed the bill. He thought, however, that the good faith of the Government required that this money should be considered as being in the Treasury, and that we could not excuse ourselves by saying that the fund had been loaned out to the States, and could not now be realized.

The objections which he entertained to the bill applied to all its sections; but to the first, his objection was radical. He alluded to the connection to be established between this institution and the Treasury of the United States. A million of dollars would be required to meet the deficiency in this Smithsonian bequest.

He was willing to expend the money for a library; or in carrying out the propositions of a substitute bill which he had prepared—in building a house and providing a library, and for scientific apparatus. He was in favor of any system, or plan, by which the fund could be disconnected from the Treasury of the United States.

Mr. Owen desired to inquire whether the gentleman proposed to appropriate the principal, or the interest only?

Mr. Ficklin said he was willing that the gentleman and others who were the peculiar friends of the bill, should take their own course in that respect. He (Mr. Ficklin) was willing to apply the whole of the principal, or a part of it, to keep up whatever institution might be adopted; or he was willing that the sum of $500,000 should be loaned to some natural or artificial person, and that the interest alone should be applied. He was indifferent on that point. The great object he had in view was, he repeated, the disconnection of the fund from the public Treasury. He was for any bill in preference to this.

Mr. Owen. Does the gentleman understand that one dollar, except that belonging to the Smithsonian fund, is appropriated by this bill either presently or prospectively?

Mr. Ficklin. The first section of the bill connects the fund with the Treasury—places it in the Treasury.

Mr. Owen. Not places it there; it was placed there eight years ago.

Mr. Ficklin. Exactly so; but this bill recognizes it there by law. Then the interest is to be paid upon the money, out of the Treasury. This is sucking the life-blood from the Treasury. We do not want to create a perpetual debt of interest upon half a million of money, to be paid whilst this Government endures. We want no such polypus—no

such wen fastened upon the Government. As to present or prospective appropriations, I say that the machinery, the paraphernalia, connected with this bill, cannot be carried out on a respectable scale for less (Mr. Ficklin was understood to say) than one million of dollars a year. It is, to be sure, provided that the money shall not come out of the Treasury at present; but do we not know that subsequent Congresses can enlarge the appropriations? Experience should teach us to guard against everything of this kind.

He regarded the bill as one of the most odious and abominable ever presented here. He would rather see this half million returned to the British court of chancery; he would rather see ten millions sunk to the bottom of the Potomac, or melted, or destroyed, than see this bill pass.

Mr. THURMAN said that he had heard it stated this morning that the investment of the Smithsonian fund in State bonds was an act unauthorized by law. Not having time to investigate the laws himself, he had privately inquired of a number of members whether such was the fact, but they were unable to inform him. He had thereupon made the inquiry of the gentleman from Massachusetts, [Mr. ADAMS,] whose acquaintance with the subject was so thorough. The inquiry was important; for if the investment was an unauthorized act, it would not do for this Government to shield itself behind the misconduct of its officer, and say that the money is not in the Treasury. But if, on the other hand, the Government had, in good faith, invested the fund so that it might produce interest until an application of it should be made, pursuant to the design of the testator, then the objection of the gentleman from Massachusetts, that the money is not in the Treasury, is entitled to great weight. For, as a general rule, it is the duty of a trustee to make the trust fund produce interest; and the Government of the United States probably did right in directing this fund to be invested, and ought not, as a matter of course, to be held bound to reimburse it at any moment on a failure to pay by those to whom it had been loaned. Whether the investments made were judicious or otherwise, Mr. Thurman did not know. He had not inquired, for it was not his purpose to cast censure anywhere.

As to the merits of the bill under consideration, he would do nothing more than express an opinion, without going into any argument whatever. He could not vote for the bill, unless it were most materially changed. He was opposed to the erection of an immense institution at the city of Washington, that would ultimately become a charge

upon the Treasury, and would necessarily be partial in its operations and benefits. He was rather inclined to believe that the best disposition of the fund that could be made, would be to invest the interest arising from it in a library. There were great objections to this plan, to be sure. They had been forcibly stated by the chairman of the select committee, [Mr. OWEN.] But there was one great recommendation it possessed that strongly influenced him. That was, that though it might not effect the greatest amount of benefit that could be produced by the fund, it was not liable to the abuses to which all the other plans would probably give rise. It would create no large body of office holders, no patronage, no favoritism, no partial, sectional advantages.

Mr. OWEN wished to say a few words in reply to the gentleman from Massachusetts, [Mr. ADAMS.] He was very sorry that duty devolved upon him. He had for that gentleman, in more senses than one, a most wholesome respect. Not only did he respect his character most sincerely, his acquirements, his long experience, his information, so accurate on every subject, but in addition to all that, he had for him, as opposed to him in argument, a most wholesome respect. If any one who ever debated with him came off the better in the contest, it was while he (Mr. Owen) was out of the House. And it was nothing but a sense of duty which induced him to reply to the gentleman.

The gentleman from Massachusetts had labored more zealously in this good cause than, perhaps, any other individual. He read from a report of Mr. ADAMS, of March, 1840, in regard to the application of these moneys, in which, among other things, it was declared:

"It will be perceived that the United States have made themselves creditors to the States, and made themselves responsible for the *punctual payment* of the interest of these bonds," &c.

That (said Mr. Owen) was the opinion of the gentleman from Massachusetts, in 1840; it was Mr. Owen's opinion to-day. He believed it is the United States that are the creditors of the State of Arkansas, and the other States, and that their faith is plighted for the due administration of this fund. And this included the question of time. Delay was equivalent to denial; to say you will administer a fund fifty years hence, is to say you will not administer it at all.

But not only in 1840, but a much later date, when everybody knew that Arkansas had failed for three years to pay her interest, did the gentleman from Massachusetts bring in a bill—in June, 1844, (from which Mr. Owen read)—which went further than the bill now before the committee, abso-

lutely declaring that $800,000 was now in the Treasury of the United States, the interest of which, being about $33,000, more than this bill applied, was to be appropriated.

He alluded to the objection of Mr. FICKLIN, that we should doubtless appropriate hundreds of thousands more than this sum, if we now began; and said, in the unwillingness of members to appropriate even the interest, there was no very great reason to imagine that they would be so ready to appropriate a larger sum, not included in this amount at all, over which the institution has no right and with which no connection.

He was no lawyer, and would not argue the case technically; but he would say, if there be any means of lowering our national character over the whole civilized world (and with so small a gain to the Government) more effectually than this, he did not know what it was. He held in regard to public and private morals there is no difference. The interest that had accrued on this sum was about $242,000, (about one-half of which had been paid,) or about one-hundredth part of the annual expenditures and receipts of the Government; and, in addition to this, we had some ten or twelve thousand dollars surplus in the Treasury. And still we claimed that we were relieved of the obligation for this money, because we had invested it in stocks, the interest of which was not paid. It was like a man with an annual income of $2,000, and in addition having (say) $1,000 deposited in bank, who had loaned to a wayward or unfortunate son $20, (one hundredth part of his income,) which he had received in trust for a friend; and who, one-half of it having been paid, when called upon for the return of that trust, should refuse it on the ground that one-half of the sum had not been paid by his son, to whom, as trustee of the fund, he had loaned it! No one would hesitate to say that, as a matter of common justice and honesty, he should pay this small amount, even if the son never paid it to him. And what we ought to do as individuals, we ought also to do as public men.

He would not follow the gentleman from Massachusetts through the whole course of his remarks. He believed the gentleman admitted that the Government was ultimately responsible for the application of this fund according to the intention of the testator. If it did happen (which was not probable, for he did not doubt her) that Arkansas did not at some future period pay the interest, we should be called upon to pay it from the Treasury, according to the gentleman from Massachusetts. Now, he wanted to know what

was the difference between taxing our constituents (as the phrase was) then and now? So far as the burden was concerned, it was nothing; so far as reputation was concerned, it was everything. The first duty of a trustee was to carry into effect the object of the trust; and if this duty was neglected, were we not bound to provide at least against the loss of the fund?

In reference to the advocacy by Mr. ADAMS of the application of the fund to a library, and to some remarks of Mr. Adams, (as the reporter understood,) that it was more in accordance with his fancy, Mr. Owen urged that fancy should have nothing to do with the question; that we were bound to appropriate this fund strictly according to the intentions of the testator, whose intentions the appropriation of the principal portion of which to a library, he argued, could not meet, inasmuch as, though a library might tend to the "diffusion," it would not to the "increase" "of knowledge among men;" and as if a library had been intended by Mr. Smithson, he would undoubtedly have expressed it.

He was not specially wedded to this feature of normal schools, yet he confessed he considered it the most important one in the bill. And the gentleman from Massachusetts wholly misunderstood him if he supposed that his (Mr. Owen's) proposition was to supersede the State normal schools. It was rather a supplement to them—an institution which would carry them further, where the science of education should be improved. And for this they had high authority. He referred to Mr. Van Buren's language on the subject, from which, though not express to this point he considered the inference fair that he would be in favor of such a feature.

As to the disgrace of educating our children with foreign aid, there was no proposition in this bill to educate children, but the teachers of children. And as to the disgrace, it might be said with equal propriety that it was disgraceful to receive foreign aid for the founding a library.

One special portion of the duties of this normal branch would be to call the attention of the States generally to these normal schools, and it might, and he hoped would, in this way, become the means of increasing these schools.

In conclusion, he said the practical effect of the amendment of Mr. ADAMS would be to postpone the matter indefinitely. His (Mr. Owen's) opinion coincided much more nearly with the opinion heretofore expressed (from a source he respected so highly) on at least four different occasions; and he hoped that Congress would no longer delay to

appropriate this fund, as in honor and justice they were bound, so as to carry out as near as might be the intentions of James Smithson.

Mr. E. H. Ewing dissented from that part of the amendment of Mr. Adams which went to make a legislative promise that nothing should be done until the arrears of interest were collected from the States in whose bonds the funds had been invested; and gave notice of a motion to strike it out.

He was not able to say that this Government had performed in a proper manner the duties of trustee, and with proper precaution invested these funds. Clearly, if this investment had thus been made, and the duties of trustee faithfully performed, the Government could not be held to assume the debt, and carry out the intentions of the testator.

He could not agree with Mr. Sims that this fund could ever be replaced in the chancery of England. This Government was now a trustee in regard to this fund. By its acceptance of it, it had obligated itself to make a disposal of it according to the intentions of the testator, and was incapable of divesting itself of it.

If it had been properly invested, as a trustee should invest it, the Government was not bound, for the sake of keeping up its name, to make an appropriation of the money of the people of the United States for the support of this charity, or any other. The question was, whether this investment had been made in good faith—whether at the time there was a reasonable probability that it would be returned, or the interest on it paid regularly.

That question he was not able now to determine, and he presumed this was the case with other members of the House. Hence, in the absence from the Treasury of this fund, he was willing to postpone action on the subject for the present.

Mr. J. Q. Adams had, he said, a few words to say. In regard to the purposes of this bequest, and the obligation and duty of the United States to carry them into effect, he agreed with the honorable chairman of the committee who reported the bill. Both had the same object in view. In regard to the mode of reaching the object, he did not agree with the gentleman. He regretted this difference of opinion; but in all the public discussions of this question, hardly any two persons had been found to agree. If he differed from the honorable chairman, the honorable chairman had also differed from all who had preceded him in the investigation of

this subject. This bill was entirely different from any that had been reported heretofore. The chairman had done him the honor to refer to his (Mr. Adams') former views on this subject, but did not propose to carry them out. It was important to the argument to consider how the fund was expended. He admitted that at the time when the fund was invested in Arkansas stocks, those stocks were at par, as were all the State stocks. The banks afterwards suspended, and not only the Arkansas stocks, but all the State stocks depreciated. The interest on these bonds was not paid, and it was the same case with the bonds of other States. He entertained and cherished the hope that, by means of what he called moral suasion—by considerations of justice between State and State, and man and man—the people of Arkansas, having this subject presented to them year after year by the President of the United States, would, for the sake of their own honor and interests, pay the debt. He had that faith. Mr. Adams went on to explain the provisions of his substitute for the bill. He proposed that no appropriation for the purposes of this institution should be made a tax on the people of the United States. Should this be agreed to, and become a part of the act, he believed that it would be more effectual in persuading the people of Arkansas to pay this money, than would be the thunder of the line-of-battle ships with which we have been lately threatened in the British Parliament. No application of force was proposed by him. He would speak to them only as friends to friends. He would say to them, we would not tax our own people to pay the sum for which you are indebted—which you ought to pay—and which you can pay almost without feeling it.

Mr. Yell said, with the leave of the honorable gentleman, he would make some explanations. The remarks of the gentleman left it to be understood that the interest of the Arkansas bonds had not been paid, and that the State was not disposed to pay its debts. He wished to let the House know the state of this matter. Half a million of State bonds were (in 1838) sold, and the proceeds invested in the Real Estate Bank of Arkansas. The bonds invested were to be paid in twenty-five years. To secure them, was pledged the bank capital of a million and a half, and real estate which had been valued at three millions. In addition to this, the State took the bills receivable and the assets of the bank. The State at length saw its error, and the whole country had opened its eyes to the evils of such a system. The State acted as honestly as the nature of the case would

admit. It wound up the bank, and determined to pay—first, the outstanding notes, and second the special deposits. All these had been paid. At the expiration of the time for which the bonds were given, he had no doubt that they would be paid; and if the assets of the bank were insufficient, the State would pay them.

Mr. Yell also showed, from an official document, that about ninety thousand dollars had been paid towards the interest on these Arkansas bonds. He went on to show that the State of Arkansas had been greatly misused by the general Government. The distribution act passed in 1841. He, as the Executive of Arkansas, recommended to the Legislature not to accept the share of that State. That body, though one-third of them were good Whigs, unanimously refused to accept it. But the Secretary of the Treasury credited the sum, not to Arkansas, but to the bank. The bank received it, and there it remained. When Arkansas came into the Union, five per cent. of the proceeds of lands sold in her limits were given to the State. Till 1842, the sum was promptly paid. After that time, the Government retained the amount. He argued that they had no more right to take it than they had to take the lands set apart for the support of schools. When the Government was disposed to do justice to Arkansas, the people of that State would be better enabled to meet their obligations. The assets of the bank were equal to the payment of all the debts.

He would not, however, pledge his State to pay for the default of the bank. When the bonds had become due, and the bank was found unable to pay them, then the State might be called upon.

Mr. Adams said the United States had nothing to do with the bank. The State of Arkansas gave bonds for the money, and they were in the Treasury now. The money was paid to an agent, and the United States had nothing to do with the investment of the money.

Mr. Yell said the State of Arkansas made a bank. They issued bonds and invested them in the Real Estate Bank.

Mr. Adams. Sir, I had heard before that the State of Arkansas never received any benefit from this money. But it was paid to their authorized agents. It was received in the name of the State, and not of the bank. As to the argument that the money was invested in the bank, and the bank was broken, he would leave that to such operation as it might have upon this committee, and let it go for what it

was worth. He would say nothing to the disparagement of the State of Arkansas, or of the Government of the United States on account of this contract. But if the five hundred thousand dollars in British sovereigns was sent by an agent to the sovereign State of Arkansas, it was a matter of no concern to the Government of the United States whether the money was filched on the way.

Mr. YELL here asked if the gentleman intimated that the money was misapplied by any agent or agents of the State of Arkansas?

Mr. ADAMS had not said a word (he said) intimating any such thing. He had stated the fact. He repeated that the United States had nothing to do with the concerns of the bank, which the gentleman had said was broken, and upon which fact the gentleman had argued that the State was not bound to pay the money.

Mr. Adams was very sorry (he said) that this question had been brought on. He had made no reflection on the State of Arkansas, or on the bank, or on the agent. He still expressed the hope that the State of Arkansas, after an appeal to her sense of justice and honor, would pay the principal and interest of the debt as it became due.

As to the State of Michigan, that portion of the substitute which applied to it he should strike out. The State had made a provision for the payment of the money due by her.

Mr. ANDREW JOHNSON wished to ask one or two questions on this subject of the honorable chairman who reported the bill.

Was the money appropriated by the bill actually in the Treasury?

Mr. OWEN said it would take a lawyer to answer such a question. Half of the interest had been paid, and half not.

Mr. A. JOHNSON. Then I understand that more than two hundred thousand dollars for the buildings, &c., are to be paid, not out of the funds of the institution, but out of the Treasury. He wished this to be understood by the people.

Mr. OWEN said the gentleman might so consider it; but he did not wish him to construe what he had said into an admission that he [Mr. JOHNSON] was correct.

Mr. ANDREW JOHNSON said he would now propose a question to the learned chairman of the Committee on the Judiciary. The first section of the bill proposed to lend money to the Treasury. Suppose we had loaned the fund to the United States Bank, when it was in existence, and the bank

had failed, would the Government be bound to make good the fund?

Mr. RATHBUN had no objection to answer, as he said; and, as a lawyer he would say, that a trustee investing money in execution of a trust, and in good faith, would not be bound to return it if it should be lost. But a Government professing to be the first in the world, ought not, in his opinion, to avail itself of a legal and technical excuse, but should proceed to see the trust faithfully executed.

Mr. ANDREW JOHNSON contended that the same moral reasons applied in both cases. The bill itself, he proceeded to show, did not hold the Government to be responsible, if it acted in good faith; for it provided that all the investments on account of the fund be pledged to refund the money to the Treasury. This proved that the bill did not appropriate money in the Treasury, and it was not bound for the money.

There was something a little farcical and amusing in this system of normal instruction, which was to provide the country with school teachers. He would like to see a young man, educated at the Smithsonian Institution, and brought up in all the extravagance, folly, aristocracy, and corruption of Washington, go out into the country to teach the little boys and girls to read and write! Those young men, so educated, would steal, or play the little pettifogger, sooner than become teachers. Ninety-nine out of a hundred of those who received the benefit of this institution would hang about a law office—get a license—become a pack of drones, instead of schoolmasters. Washington city was not a place for such an institution. He believed that it would result in an injury to the country instead of a benefit.

Mr. OWEN asked if the gentleman was aware that the will of Mr. Smithson designated Washington city as the place for the establishment of the institution?

Mr. A. JOHNSON objected, he said, to the entire scheme.

Mr. JEFFERSON DAVIS asked whether the gentleman would send the money back to the court of chancery?

Mr. A. JOHNSON replied that he objected to the whole principle of the measure, and that he would send the money back to the source from whence it came.

Mr. JEFFERSON DAVIS followed, with some remarks in support of the measure. The Government was bound, after solemnly accepting the trust, to execute it faithfully.

Mr. BELL spoke on the same side of the question. It was eight years since the United States (he said) had accepted this trust, which was one of a delicate and important char-

acter. The question was, in what manner the trust should be discharged. He held that the United States was responsible for the fund, and ought to appropriate it for its object. He hoped that Arkansas would one day pay the money, but he feared it would be a distant day. It was necessary to act now. He did not wholly approve of the bill reported, but he would take it rather than do nothing.

Mr. HOUGH sent to the Chair a substitute for the bill, which he gave notice he would offer; and it was read.

The committee then rose, and reported progress.

On motion of Mr. HOPKINS, (and under the operation of the previous question,) a resolution was adopted, providing that all debate on this bill (in committee) should cease in one hour after it shall again have been taken up.

HOUSE OF REPRESENTATIVES, *April* 29, 1846.

On motion of Mr. McKAY, the House resolved itself into Committee of the Whole on the State of the Union, (Mr. BURT, of South Carolina, in the chair,) and resumed the consideration of the bill to provide for the establishment of a Smithsonian Institution for the increase and diffusion of knowledge among men.

The amendment given notice by Mr. A. JOHNSON last evening, was read, at the request of several members.

Some conversation ensued between Mr. OWEN and others.

Mr. HAMLIN briefly addressed the committee. He regarded this fund as one which had been received by the Government to carry out the intentions of Mr. Smithson, to which, by their acceptance, they had solemnly bound themselves.

He alluded to the difficulty—nay, the impossibility—of any select committee agreeing upon a plan which in all its details should be in accordance with the views of all. Notwithstanding this, he trusted we should not let this opportunity go by to make a commencement in this matter. He had not the slightest doubt of the full and unqualified power of this Government to take charge of this money and give it the direction required by the will of Mr. Smithson.

While there were features in the bill with which he was not entirely pleased, he should vote for the bill in case it was not amended. But there were some amendments to the bill of the gentleman from Indiana [Mr. OWEN] to which he would fain hope that gentleman himself would lend a favorable ear. One related to the appropriation of a part of it to the science of agriculture. He referred to the general and deplorable want of information of the components

of the soil, the proper mode of treating it, the proper adaptation of crops to different soils, &c., and said he wished to see connected with this institution a department of agricultural chemistry, and a professor of agriculture proper.

Mr. OWEN (Mr. Hamlin yielding) explained that there was an express provision of the bill to appoint professors of agriculture, and there was also another by which such professors of more useful arts and sciences were to be appointed, which would undoubtedly include a professor of chemistry, part of whose duties it would be to lecture on the application of chemistry to agriculture.

Mr. HAMLIN was aware of this; but it should be more specifically provided for.

He noticed one or two features of the bill, and suggested one or two modifications he would like to see made; but, if it could not be amended, he urged its passage without further delay as a matter of good faith, common honesty, and one promising important benefits to the people and the nation. He considered the money in the Treasury, and the United States responsible for the investment of the fund according to the intentions of the testator.

Mr. WOOD desired to say a very few words upon the bill. Much had been said about national honor during this session on this floor; but if there ever was a point in which the national honor was concerned, it was in carrying out the intentions of the testator in his bequest. For my own part, I consider it an honor to my country that the subject of a monarchical government should have selected this as the instrument of his expansive benevolence. The bill, however, before us was, in his opinion, defective in some of its provisions. I refer particularly to that section which contemplates a normal school. When this subject was first mooted, this part of the bill struck him favorably; but, upon more mature reflection, he had come to the conclusion that this clause was objectionable. Normal instruction could only be done, and well done, in the respective States, among several of which it had already been commenced; and besides, sir, I should deprecate that kind of education that should flow down from this place among the people. He responded with all his heart to the remarks made by the honorable gentleman from Maine, [Mr. HAMLIN,] in relation to agricultural instruction. He would do all he could to increase and diffuse useful knowledge among the masses, but this could not, and would not be attained by such education as would be obtained here, or by collecting at this point a splendid library. The latter might, and unquestion-

ably would, benefit those already learned, but not the people. With the view of attaining that object, he should offer an amendment, which he would ask the clerk to read. [The clerk here read the amendment, which will be found, as offered, at a subsequent stage of the proceedings.] He had hastily glanced at a substitute offered by his colleague, [Mr. HOUGH,] just laid on his table, and which he thought was less objectionable than the original bill. Yet, sir, I feel, in common with others, what is due to the honorable gentleman from Indiana, [Mr. OWEN,] the chairman of the committee, for his exertions in this matter, and know how difficult it is to frame a bill to meet the views of all; but difficult as it might be, it was no reason why a beginning should not be made to carry out the intentions of the testator.

Mr. A. D. SIMS offered a substitute for the bill; which was read.

Mr. GILES submitted an amendment, providing for the publication and distribution of books for the instruction of the blind; which was read. He would say nothing in favor of the amendment, just read, for it would be a libel on the House to suppose that any argument in favor of it would be required. He took it for granted that the committee would now act on this subject, and he could not believe that the proposition of the gentleman from Massachusetts [Mr. ADAMS] would receive the sanction of the committee. In the face of the world we had assumed this trust. We had taken the money under the will of this distinguished stranger, but we had delayed, for a long time, the execution of the trust. He hoped the faith of the United States would not be allowed to suffer any injury in the eyes of the world, by longer delay of action on the subject. There were some portions of the bill of the gentleman from Indiana which he would like to see altered. While he had no constitutional scruples himself as to the incorporation of the institution, yet he would be willing, in courtesy to the opinion of others, to strike out that provision from the bill, for all its ends could be accomplished without it. He urged the committee not to delay action, because there was difficulty in each step before them. Congress had power to alter and amend the act, and it was now necessary only to take the initiatory step. The form could be altered from time to time, so as to carry out the intentions of the testator. The objections urged to a normal school were not well founded. It would send abroad a number of educated men; and was not education the richest boon that could be

conferred on the country next to the preservation of liberty. Our institutions were dependent upon intelligence and reason; and no matter what profession the young men educated at this school should adopt, they would add to the stock of knowledge, and diffuse it among men.

Mr. WICK said, that some opinions had been expressed in the course of the debate, which he could not suffer to pass uncontradicted. He alluded to the opinions on the subject of the doctrine of trust. It was alleged that all which the Government was responsible for, was the stocks in which the fund had been invested. This fund was intrusted to our charge, and it was important that the honor of the country should be sustained by its faithful execution. He totally dissented, as a lawyer, from the doctrines which had been advanced. A trustee in ordinary cases was not bound, if he was authorized to use his discretion, as to the mode of investing the fund intrusted to him. But the Government of the United States had no such discretion in this case. There was no power given by the will of Smithson to invest the money in any special manner, and the Government invested it at its own hazard.

If, of his own accord, and without authority, a trustee made an investment, he was responsible for it. Thus the United States stood in relation to this matter, and to this extent they were responsible, if at all. If his wishes had been consulted, the burden of this trust would never have been accepted by the Government. But we did accept the trust, and the national faith would be tarnished should it not be executed. Had he been here at the time he would have voted against it. He knew that the Government had no constitutional power to establish a college of itself. The power was not granted in the Constitution; but it might be admitted that the Government had the power to accept a trust for the purpose. He had always advocated a strict construction of the Constitution, but he believed that the Government might accept the trust. We had accepted the trust, and it was our duty to execute it.

Mr. A. D. SIMS made some remarks on the constitutional question.

Mr. G. W. JONES asked whether, if the money should be given by will for the establishment of a national bank, the Government would be bound to execute the trust, or have power to accept it?

Mr. WICK replied that he would vote against the acceptance of such a trust.

Mr. WASHINGTON HUNT entirely concurred with the gen-

tleman from Indiana [Mr. WICK] in his view of this subject. It appeared to him that it was a reproach to the Government to delay carrying out the purposes of this trust.

The committee proceeded to vote.

The first question was on the following amendment of Mr. ANDREW JOHNSON to the first section:

"Strike out all after the word 'next' in the 11th line, to the word 'be,' in the 14th line, and insert the following: 'And actually paid into the Treasury of the United States by the States which have borrowed and used said fund.'"

Mr. OWEN inquired of the mover of the amendment whether, if this amendment was carried, it would apply to any moneys that have been paid into the Treasury of the United States as interest and have been re-invested in State stocks?

No answer being returned,

Mr. O. said he hoped the amendment would not prevail.

The question being taken, the amendment was rejected without a division.

The second section being under consideration,

Mr. TIBBATTS moved the amendment of which notice had previously been given, to strike out the words providing that the board of managers "shall be, and hereby are, constituted a board politic and corporate, by the style and title of the 'Smithsonian Institution,' with perpetual succession, and the usual powers, duties, and liabilities incident to *corporations.*"

The question was taken by tellers, and decided in the affirmative—ayes 70, noes 44.

So these words were stricken out.

Mr. OWEN moved to insert after the word "managers." (in lieu of the words stricken out,) the words "and the said institution shall be known by the style and title of the Smithsonian Institution."

The amendment was agreed to.

The fourth section being under consideration,

Mr. OWEN moved an amendment, (which he stated to be necessary in consequence of the previous amendment striking out the clause constituting a corporation,) to insert, at the 44th line, the words:

"And all questions which may arise between the United States and any person claiming under and by virtue of any such contract, shall be heard and determined by said board of managers."

The question being taken, the amendment was agreed to.

Mr. OWEN also moved to insert, at the 10th line, the words:

"And all prosecutions for trespass on said property, and all civil suits in behalf of said institution, shall be prosecuted in the name of the United States in any court having competent jurisdiction of the same.

Agreed to—ayes 61, noes not counted.

The fifth section being under consideration, Mr. J. R. INGERSOLL moved an amendment to insert at the 21st line these words:

"Which collection shall be denominated the National Museum. And it shall be lawful for the National Institute to deposit its collections in said museum, [in consideration whereof said institute shall have the right to appoint a curator to said museum, with such compensation as the managers of the Smithsonian Institution shall assign;] and the said National Institute shall have a right to hold its meetings in the buildings of the Smithsonian Institution, in any room which shall be assigned for such purpose by the managers of the Smithsonian Institution."

Mr. TIBBATTS moved an amendment to the amendment, to strike out the words in brackets.

The amendment to the amendment was rejected.

The question recurring on the original amendment of Mr. INGERSOLL, was decided in the affirmative—ayes 67, noes 50.

So the amendment was agreed to.

Mr. BROADHEAD moved an amendment to the fifth section, (which provides for suitable arrangements for the reception of all objects of art, and of foreign and curious research, of natural history, of plants, &c., belonging to the United States, "which may be in the city of Washington,") to insert, after the word "Washington," the words, "or elsewhere."

The amendment was rejected.

The seventh section being under consideration, Mr. HAMLIN moved to insert, after the word "arts," in the provision for the appointment of professor of common school instruction, with such others "chiefly of the more useful sciences and arts," the words "especially chemistry as applied to agriculture." Rejected.

Mr. ADAMS moved to strike out the following:

"SEC. 7. And whereas the most effectual mode of promoting the general diffusion of knowledge is by judiciously conducted common schools, to the establishment of which throughout the Union much aid will be afforded by improving and perfecting the common school system of the country, and by elevating the standard of qualification for common school teachers: and whereas knowledge may be essentially increased among men by instituting scientific researches, and, generally, by spreading among the people a taste for science and the arts—

"*Be it further enacted*, That the board of managers shall establish a normal branch of the institution, by appointing some suitable person as professor of common school instruction, with such other professors, chiefly of the more useful sciences and arts, as may be necessary for such a thorough, scientific and liberal course of instruction as may be adapted to qualify

young persons as teachers of common schools, and to give to others a knowledge of an improved common school system; and also, when desired, to qualify students as teachers or professors of the more important branches of natural science. And the board of managers may authorize the professors of the institution to grant to such of its students as may desire it, after suitable examination, certificates of qualification as common school teachers; and also as teachers or professors in the various branches of science; they may also employ able men to lecture upon useful subjects, and shall fix the compensation of such lecturers and professors."

The question was taken by tellers, and decided in the affirmative—ayes 72, noes 42.

So the words were *stricken out.*

[The section, as amended, stands in the following form:

"*Be it further enacted*, That there shall not be established in connection with the institution, any school of law, or medicine, or divinity, nor any professorship of ancient languages. And the said managers shall make, from the interest of said fund, an appropriation, not exceeding an average of ten thousand dollars annually, for the gradual formation of a library, composed of valuable works pertaining to all departments of human knowledge."]

Section eight being under consideration, Mr. OWEN moved an amendment to add at its close an amendment, which after various modifications, assumed the following form:

"And the said board of managers shall appoint such professors of the more useful sciences and arts as may be necessary for a thorough, scientific, and liberal course of instruction; they may also employ able men to lecture upon useful subjects, and shall fix the compensation of such lecturers and professors: *Provided*, That the expenditure on account of the institution shall at no time exceed the interest of the fund."

Mr. BOYD and Mr. ADAMS respectively raised the point of order against this amendment, on the ground of identity with the words stricken out on motion of Mr. Adams.

The CHAIRMAN overruled the point of order; thus deciding the amendment in order.

The question was taken, and, after some delay for want of a quorum, was decided in the negative—ayes 42, noes 77.

So the motion was rejected.

Mr. ADAMS moved to strike out the ninth section, in the words following, (which he said were now rendered useless by the amendments previously made:)

SEC. 9. *And be it further enacted*, That the said board of managers shall also make rules and regulations for the admission of students into the various departments of the institution, and their conduct and deportment while they remain therein: *Provided*, That all instruction in said institution shall be gratuitous to those students who conform to such rules and regulations."

The question being taken, was decided in the affirmative.

So the section was stricken out.

The tenth section being under consideration, Mr. GILES

moved an amendment, to add at the end thereof the following:

"And shall cause to be published from time to time books in raised characters for the education of the blind, to be distributed by the said board of managers, among the different State institutions for the education of the blind."

The question being taken the amendment was rejected.

Mr. Wood moved an amendment, to insert in the 4th line of 10th section the word "useful," and strike out the 11th, 12th, and 13th lines.

The question being taken, the amendment was rejected.

Mr. Adams moved to strike out the 10th section, (in order to conform to previous amendments.)

The question being taken, was decided in the affirmative; ayes 68, noes 57.

So the section was stricken out.

Mr. Wood moved an amendment, to add as a new section, between the 10th and 11th sections, the following:

"*And be it further enacted*, That the sum of $20,000 of the interest of said fund be, and is hereby, appropriated annually for the purchase or publication of a library for the diffusion of useful knowledge, to be selected or published under the direction of the said board of managers, which shall include the best elementary popular works upon the history, geography, and statistics of the United States; upon botany, mineralogy, geology, agriculture, agricultural chemistry, mechanics, and physiology; and which said library shall be distributed among the several States and Territories in the ratio of their representation, and be forwarded to the several Governors of said States and Territories, to be distributed among the people thereof in such a manner as their respective legislatures shall determine, and shall most tend to increase and diffuse knowledge."

Mr. Jefferson Davis moved an amendment, to add at the close of the last section the following proviso:

"*And provided further*, That no appropriation shall be made for the advancement of this institution except from moneys which properly belong to the Smithsonian fund."

Agreed to.

Mr. McClernand gave notice of a substitute which he intended to offer, when in order, (which was read for information.)

Mr. G. W. Jones moved a further proviso at the end of the bill, as follows:

"*Provided*, That nothing in this act shall be so construed as to connect, in any manner whatever, said Smithsonian Institution with any other institution or society whatever."

Rejected.

The bill having now been gone through with, the question recurred on the amendment of Mr. G. W. Jones, to strike out all of the bill after the word "be," in the 6th line, 1st section, and insert:

"Paid by the Secretary of the Treasury to the heirs-at-law or next of kin or residuary legatee of the said James Smithson, or their authorized agents, whenever they shall demand the same: *Provided*, That the Secretary of the Treasury shall, in paying over said money as herein directed, deliver to said heirs all State bonds or other stocks of every kind, which have been purchased with said money or any part thereof, in lieu of so much of said money as shall have been so invested in State bonds or other stocks, and the balance of said sum of money, if any, not so invested, shall be paid out of any money in the Treasury not otherwise appropriated."

Mr. SIMS moved as an amendment to the amendment the proposition of which he had given notice, (as a substitute for the bill,) to provide for the return of the money.

The CHAIRMAN decided the amendment out of order at this time.

Mr. RATHBUN moved to amend the amendment of Mr. JONES, by striking out so much as relates to the restoring to the heirs, &c., of Mr. Smithson, the bonds of the States, (so that the money, and not the bonds, should be returned.)

The amendment to the amendment was rejected.

The question then recurring on the original amendment of Mr. JONES, was taken by tellers, and decided in the negative—ayes 8, noes 115.

So the amendment was rejected.

The question then being on rising and reporting the bill as amended—

Mr. ADAMS, in compliance with previous notice, offered the following substitute for the bill:

Strike out the preamble, and all except the enacting clause, and insert:

"That the President of the United States be requested, by the use of suitable means of moral suasion, and no others, to obtain from the governments of the States of Arkansas and Illinois payment of the arrears of interest due from the said States to the United States, and the interest thereafter, and the principal as it shall become due, according to the promises on the face of the bonds given by the said States for moneys bequeathed by James Smithson, a benevolent Englishman, to the United States of America, for the special purpose of founding at the city of Washington an institution for the increase and diffusion of knowledge among men, which bequest was, by an act of Congress, approved on the first of July, 1836, accepted, with a pledge of the faith of the United States that it should be applied to the purposes prescribed by the testator.

"SEC. 2. *And be it further enacted*, That when payment shall have been obtained from the said States of Arkansas and Illinois of the arrears of interest due on their said bonds, Congress shall forthwith proceed to appropriate said sums of interest so recovered, together with the interest hitherto received, or hereafter to be received, until the time of making such appropriations, in such manner as they shall deem suited to redeem the pledge of the faith of the United States, to the application of the funds of the bequest of the said James Smithson, to the specific purpose prescribed by the testator.

"SEC. 3. *And be it further enacted*, That until the arrears of interest due by the said States of Arkansas and Illinois to the United States, upon their said respective bonds, shall have been received at the Treasury of the United

States, no appropriation shall be made by Congress chargeable upon the people of the United States, for the fulfillment of the purposes prescribed by the testator, James Smithson, for the disposal of his bequest.

"SEC. 4. *And be it further enacted*, That within the first thirty days of each and every successive session of Congress, it shall be the duty of the Secretary of the Treasury to report to Congress the then actual state of the Smithsonian fund, and particularly the amount of arrears of interest due upon the said bonds of the States of Arkansas and Illinois, together with copies of all correspondence, showing the result of the means of moral suasion used during the preceding year to obtain payment of the said arrears of interest; and the said annual reports shall be printed for the information of the people."

Mr. HOPKINS moved an amendment to the amendment, to strike out in its first section the words "of moral suasion and no others." Agreed to.

The third section of the said substitute amendment being under consideration.

Mr. J. DAVIS moved an amendment, to add at the end of the section the following:

"*Provided, however*, That if the Governor of the State of Arkansas shall make it appear to the satisfaction of the Attorney General of the United States that he has used suitable means to obtain from the Real Estate Bank of Arkansas payment of the debt due by said bank to the State of Arkansas, but without success, then, and in that case, and until the arrears due by the said Real Estate Bank shall have been received into the Treasury of the State of Arkansas, the said State shall be, and is hereby, declared to be absolved from the promises on the face of her bonds by which the said State heretofore pledged her faith for the due payment of the principal and interest of said bonds.

The question being taken, the amendment was rejected.

Mr. WENTWORTH moved an amendment, to add at the end of the section the following:

"That the State of Illinois shall have the power hereafter, like other States, to tax all lands within that State as soon as sold, providing the proceeds of said tax shall be applied to paying the interest due the Smithson fund, so far as may be necessary, and the balance, if any, to paying the interest upon her other bonds.

Mr. HOPKINS raised the point of order against the amendment, on the ground of irrelevancy.

The CHAIRMAN sustained the point, and decided the amendment out of order.

Mr. E. H. EWING moved an amendment to the substitute, to strike out the third section. Rejected.

The fourth section, on the suggestion of Mr. HOPKINS, was so modified by Mr. ADAMS, as to conform to the amendment of the first, by striking out the words "moral suasion."

The question then being on the substitute of Mr. Adams, as amended, was taken by tellers, and decided in the negative—ayes 57, noes 74.

So the substitute of Mr. Adams was *rejected*.

The question again recurring on the original bill, as amended.

Mr. HOUGH offered the amendment of which he had given notice as a substitute for the entire bill, being a bill consisting of fourteen sections.

Mr. MARSH moved several amendments, all with a view, as he said, to direct the appropriation entirely to the purposes of a library.

The first one was to section 7th, to strike out the words "and such lecturers as may be employed by said board," and the words "and lecturers, and all other officers of the institution."

The question being taken, was decided in the affirmative —ayes 72, noes 39.

So the amendment was agreed to.

Mr. MARSH next moved to strike out section 8, as follows:

"SEC. 8. *And be it further enacted*, That the said Board of Regents shall employ so many and such able men to lecture upon useful subjects and at such times and places as they may deem most beneficial for the "increase and diffusion of knowledge among men;" and shall also, during each session of Congress, cause a course of such lectures to be delivered, weekly or semi-weekly, publicly, in the lecture-room of said institution, and shall make all suitable provisions for the accommodation of all members and honorary members of said institution, and of both Houses of Congress."

Also, an amendment to the ninth section, to increase the annual appropriation for the library from $20,000 to $25,000. Agreed to.

Mr. TIBBATTS moved to strike out the first section.

The CHAIRMAN decided the amendment to be out of order, that portion of the substitute bill having been passed.

Mr. MARSH moved an amendment to strike out the 10th and 11th sections of the substitute, in the words following:

"SEC. 10. *And be it further enacted*, That the said board of regents shall make all needful rules, regulations, and by-laws, for the government of the institution and the persons employed therein; and, in prescribing the duties of the professors and lecturers, they shall have reference to the introduction and illustration of subjects connected with the application of science to the productive and liberal arts of life, improvements in agriculture, in manufactures, in trades, and in domestic economy; and they shall also have special reference to the increase and extension of scientific knowledge generally, by experiment and research. And the said regents shall cause to be printed, from time to time, any lecture or course of lectures which they may deem useful. And it shall be the duty of each lecturer while in the service of the institution, to submit a copy of any lecture or lectures delivered by him to the regents, if required.

"SEC. 11. *And be it further enacted*, That it shall be competent for the board of managers to cause to be printed and published, periodically or occasionally, essays, pamphlets, magazines, or other brief works or productions for the dissemination of information among the people, especially works in popular form on agriculture and its latest improvements, or the sciences and the aid they bring to labor, manuals explanatory of the best

systems of common school instruction, and, generally, tracts illustrative of objects of elementary science, and treatises on history, natural and civil, chemistry, astronomy, or any other department of useful knowledge; and may, at their discretion, offer and pay to any citizen or foreigner such sum or prize as they may deem discreet for the best written production of any such prize essay or work; and shall, whenever required by resolution of either House of Congress, cause to be printed and delivered to such House, for distribution among the people at large, as public documents of Congress are distributed, so many copies of such lectures, essays, pamphlets, magazines, tracts, or other brief works, as they may procure to be written or delivered, under the provisions of this act, as shall be required by such resolution, the expenses of which to be paid out of the funds of said institution."

The amendment was agreed to.

Mr. THURMAN moved an amendment, to strike out the 12th section. Rejected.

Mr. DOUGLASS moved an amendment, as an additional section, (the 13th,) in the words following:

"SEC. 13. *And be it further enacted,* That the author or proprietor of any book, map, chart, musical composition, print, cut, or engraving, for which a copyright shall be secured under the existing acts of Congress, or those which shall hereafter be enacted, respecting copyrights, shall, within three months from the publication of said book, map, chart, musical composition, print, cut, engraving, deliver, or cause to be delivered, one copy of the same to the librarian of the Smithsonian Institution, and one copy to the librarian of the Congress Library, for the use of said libraries."

The question being taken, the amendment was agreed to.

The question now being on adopting the substitute of Mr. Hough, as amended, was taken by tellers, and decided in the affirmative—ayes 83, noes 40.

So the substitute was adopted.

The committee then rose and reported the bill and amendments to the House.

The question being first on agreeing to the substitute amendment of the committee, Mr. Boyd demanded the previous question, which was seconded.

The main question was ordered.

The yeas and nays were asked and ordered, and being taken, resulted—yeas 81, nays 76—as follows:

YEAS—Messrs. John Q. Adams, Arnold, Atkinson, Barringer, Bell, J. A. Black, Brockenbrough, Milton Brown, William G. Brown, Buffington, William W. Campbell, John H. Campbell, Carroll, Chipman, Clarke, Cobb, Cocke, Collin, Cranston, Crozier, Cullom, Garrett Davis, Delano, Dockery, Douglass, Dunlap, John H. Ewing, Edwin H. Ewing, Faran, Ficklin, Foot, Giddings, Grider, Grinnell, Hampton, Harper, Herrick, Hilliard, Elias B. Holmes, Hough, Edmund W. Hubard, Samuel D. Hubbard, Hudson, Washington Hunt, Andrew Johnson, George W. Jones, Daniel P. King, Thomas Butler King, Lawrence, Lewis, Levin, Ligon, Maclay, McGaughey, McHenry, McIlvaine, Marsh, Morse, Moseley, Norris, Parish, Payne, Relfe, John A. Rockwell, Root, Scammon, Seaman, Simpson, Truman Smith, Albert Smith, Strohm, Benjamin Thompson, Thurman, Tilden, Trumbo, Vance, Vinton, Young, and Yost—81.

NAYS—Messrs. Stephen Adams, Bowlin, Boyd, Brinkerhoff, Brodhead, Burt, Cathcart, Reuben Chapman, Chase, Constable, Cunningham, Daniel, Dargan, Jefferson Davis, Dillingham, Dobbin, Dromgoole, Giles, Goodyear, Gordon, Graham, Grover, Hamlin, Harmanson, Henley, Hoge, Hopkins, George S. Houston, Hungerford, James B. Hunt, Hunter, Charles J. Ingersoll, Joseph R. Ingersoll, Joseph Johnson, Preston King, Leake, La Sere, Lumpkin, McLean, McClernand, McCrate, James McDowell, McKay, J. P. Martin, B. Martin, Morris, Moulton, Owen, Perrill, Phelps, Pollock, Price, Rathbun, Reid, Ritter, Sawtelle, Severance, Alexander D. Sims, Leonard H. Sims, Caleb B. Smith, Robert Smith, Stanton, St. John, Sykes, Thibodeaux, Thomasson, Jacob Thompson, Tibbatts, Wentworth, Wheaton, Wick, Wilmot, Woodruff, Woodward, Yancey, and Yell—76.

So the amendment of the committee was adopted.

The bill was then ordered to be engrossed.

Mr. GORDON demanded the yeas and nays on the passage of the bill; which were ordered, and being taken, resulted —yeas 85, nays 76—as follows:

YEAS—Messrs. John Q. Adams, Arnold, Bell, James A. Black, Brinkerhoff, Milton Brown, Buffington, William W. Campbell, John H. Campbell, Carroll, Cathcart, Cranston, Crozier, Cunningham, Garrett Davis, Jefferson Davis, Delano, Dockery, Douglass, Dunlap, Edwin H. Ewing, Faran, Foot, Garvin, Giddings, Giles, Goodyear, Grider, Grinnell, Hamlin, Hampton, Harper, Herrick, Hilliard, E. B. Holmes, Hough, Samuel D. Hubbard, Hudson, Hungerford, Washington Hunt, Charles J. Ingersoll, Daniel P. King, Thomas B. King, Lawrence, Leib, Lewis, Levin, Maclay, McCrate, McGaughey, McHenry, McIlvaine, Marsh, Morse, Moseley, Owen, Pollock, Rathbun, Relfe, John A. Rockwell, Root, Sawtelle, Scammon, Seaman, Severance, Truman Smith, Albert Smith, Caleb B. Smith, Stanton, Strohm, Strong, Sykes, Thomasson, Benjamin Thompson, Thurman, Tilden, Trumbo, Vance, Vinton, Wentworth, Wick, Wilmot, Wood, Young, and Yost—85.

NAYS—Messrs. Stephen Adams, Atkinson, Barringer, Bayly, Bowlin, Boyd, Brockenbrough, Brodhead, William G. Brown, Burt, Reuben Chapman, Chase, Chipmau, Clarke, Cobb, Cocke, Collin, Constable, Cullom, Daniel, Dargan, Dillingham, Dobbin, Dromgoole, Erdman, Graham, Grover, Harmanson, Hoge, Hopkins, George S. Houston, E. W. Hubard, James B. Hunt, Hunter, Joseph R. Ingersoll, Joseph Johnson, Andrew Johnson, George W. Jones, Preston King, Leake, La Sere, Ligon, Lumpkin, McClean, McClelland, McClernand, James McDowell, McKay, John P. Martin, Barkley Martin, Morris, Moulton, Norris, Parrish, Payne, Perrill, Phelps, Price, Reid, Ritter, Alexander D. Sims, Leonard H. Sims, Simpson, Thomas Smith, Robert Smith, Stephens, St. John, Thibodeaux, Jacob Thompson, Tibbatts, Wheaton, Woodruff, Woodward, Yancey, and Yell—76.

So the bill was passed in the following form, (being the substitute of Mr. Hough, as amended:)

A BILL to establish the "Smithsonian Institution," for the increase and diffusion of knowledge among men.

James Smithson, Esquire, of London, in the Kingdom of Great Britain, having by his last will and testament given the whole of his property to the United States of America, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men; and the United States having, by an act of Congress, received said property and accepted said trust; therefore, for the faithful execution of said trust according to the will of the liberal and enlightened donor—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President and Vice-President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster General, the Attorney General, the Chief Justice, and the Commissioner of the Patent Office of the United States, and the Mayor of the city of Washington, during the time for which they shall hold their respective offices, and such other persons as they may elect honorary members, be, and they are hereby, constituted an "establishment," by the name of the "Smithsonian Institution," for the increase and diffusion of knowledge among men; and by that name shall be known and have perpetual succession, with the powers, limitations, and restrictions hereinafter contained, and no other.

SEC. 2. *And be it further enacted,* That so much of the property of the said James Smithson as has been received in money, and paid into the Treasury of the United States, being the sum of five hundred and fifteen thousand one hundred and sixty-nine dollars, be lent to the United States Treasury, at six per cent. per annum interest from the first day of September, in the year one thousand eight hundred and thirty-eight, when the same was received into the said Treasury; and that so much of the interest as may have accrued on said sum on the first day of July next, which will amount to the sum of two hundred and forty-two thousand one hundred and twenty-nine dollars, or so much thereof as shall by the Board of Regents of the Institution established by this act be deemed necessary, be, and the same is hereby, appropriated for the erection of suitable buildings, and for other current incidental expenses of said Institution; and that six per cent. interest on the said trust fund—it being the said amount of five hundred and fifteen thousand one hundred and sixty-nine dollars received into the United States Treasury on the first of September, one thousand eight hundred and thirty-eight, payable, in half-yearly payments, on the first of January and July in each year be, and the same is hereby, appropriated for the perpetual maintenance and support of said Institution; and all expenditures and appropriations to be made from time to time, to the purposes of the Institution aforesaid, shall be exclusively from the accruing interest, and not from the principal of the said fund. *And be it further enacted,* That all the moneys and stocks which have been, or may hereafter be, received into the Treasury of the United States on account of the fund bequeathed by James Smithson, be, and hereby are, pledged to refund to the Treasury of the United States the sums hereby appropriated.

SEC. 3. *And be it further enacted,* That the business of the said Institution shall be conducted at the city of Washington by a Board of Regents by the name of the Regents of the "Smithsonian Institution," to be composed of the Vice-President of the United States, the Chief Justice of the United States, and the Mayor of the city of Washington, during the time for which they shall hold their respective offices; three members of the Senate and three members of the House of Representatives, together with six other persons, other than members of Congress, two of whom shall be members of the National Institute in the city of Washington, and resident in the said city; and the other four thereof shall be inhabitants of States, and no two of them of the same State. And the Regents, to be selected as aforesaid, shall be appointed immediately after the passage of this act—the members of the Senate by the President thereof, the members of the House by the Speaker thereof, and the six other persons by joint resolution of the Senate and House of Representatives; and the members of the House so appointed shall serve until the fourth Wednesday in December, the second next after the passage of this act; and then, and biennially thereafter, on every alternate fourth Wednesday of December, a like number shall be appointed in the same manner, to serve until the fourth Wednesday in December, the second succeeding their appointment And the Senators so appointed shall serve during the term for which they shall hold, without

re-election, their office as Senators. And vacancies, occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled; and the other six members aforesaid shall serve, two for two years, two for four years, and two for six years; the terms of service, in the first place, to be determined by lot; but after the first term, then their regular term of service shall be six years; and new elections thereof shall be made by joint resolution of Congress; and vacancies occasioned by death, resignation, or otherwise, may be filled in like manner, by joint resolution of Congress. And the said Regents shall meet in the city of Washington on the first Monday of September next after the passage of this act, and organize by the election of one of their number as Chancellor, who shall be the presiding officer of said Board of Regents, by the name of the Chancellor of the "Smithsonian Institution," and a suitable person as Secretary of said Institution, who shall also be the Secretary of said Board of Regents; said Board shall also elect three of their own body as an Executive Committee, and said Regents shall then fix on the time for the regular meeting of said Board; and on application of any three of the Regents to the Secretary of the said Institution, it shall be his duty to appoint a special meeting of the Board of Regents, of which he shall give notice by letter to each of the members; and at any meeting of said Board, five shall constitute a quorum to do business. And each member of said Board shall be paid his necessary travelling and other actual expenses in attending meetings of the Board, which shall be audited by the Executive Committee, and recorded by the Secretary of said Board; but his services as Regent shall be gratuitous. And whenever money is required for the payment of the debts or performance of the contracts of the Institution, incurred or entered into in conformity with the provisions of this act, or for making the purchases and executing the objects authorized by this act, the Board of Regents or the Executive Committee thereof, may certify to the Chancellor and Secretary of the Board that such sum of money is required; whereupon, they shall examine the same, and, if they shall approve thereof, shall certify the same to the proper officer of the Treasury for payment. And the said Board shall submit to Congress, at each session thereof, a report of the operations, expenditures, and condition of the Institution.

SEC. 4. *And be it further enacted*, That after the Board of Regents shall have met, and become organized, it shall be their duty forthwith to proceed to select a suitable site for such building as may be necessary for the Institution; which ground may be taken and appropriated out of that part of the public ground in the city of Washington, lying between the Patent Office and Seventh street: *Provided*, The President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Commissioner of the Patent Office, shall consent to the same; but if the persons last named shall not consent, then such location may be made upon any other of the public grounds within the city of Washington, belonging to the United States, which said Regents may select, by and with the consent of the persons herein named; and the said ground so selected shall be set out by proper metes and bounds, and a description of the same shall be made and recorded in a book to be provided for that purpose, and signed by the said Regents, or so many of them as may be convened at the time of their said organization; and such record, or a copy thereof, certified by the Chancellor and Secretary of the Board of Regents, shall be received in evidence in all courts of the extent and boundaries of the lands appropriated to the said Institution; and upon the making of such record, such site and lands shall be deemed and taken to be appropriated, by force of this act, to the said Institution.

SEC. 5. *And be it further enacted*, That, so soon as the Board of Regents shall have selected the said site, they shall cause to be erected a suitable building, of plain and durable materials and structure, without unnecessary ornament, and of sufficient size, and with suitable rooms, or halls, for the reception and arrangement, upon a liberal scale, of objects of natural his-

tory, including a geological and mineralogical cabinet; also a chemical laboratory, a library, a gallery of art, and the necessary lecture rooms; and the said Board shall have authority, by themselves or by a committee of three of their members, to contract for the completion of such building, upon such plan as may be directed by the Board of Regents, and shall take sufficient security for the building and finishing the same according to the said plan, and in the time stipulated in such contract; and may so locate said building, if they shall deem it proper, as in appearance to form a wing to the Patent Office building, and may so connect the same with the present hall of said Patent Office building, containing the National Cabinet of Curiosities, as to constitute the said hall, in whole or in part, the deposit for the cabinet of said Institution, if they deem it expedient to do so; provided said building shall be located upon said Patent Office lot in the manner aforesaid: *Provided, however*, That the whole expense of building and enclosures aforesaid shall not exceed the amount of ——; which sum is hereby appropriated, payable out of money in the Treasury not otherwise appropriated; together with such sum or sums out of the annual interest accruing to the Institution, as may, in any year remain unexpended, after paying the current expenses of the Institution. And duplicates of all such contracts as may be made by the said Board of Regents shall be deposited with the Treasurer of the United States; and all claims on any contract made as aforesaid shall be allowed and certified by the Board of Regents, or the Executive Committee thereof, as the case may be, and, being signed by the Chancellor and Secretary of the Board, shall be a sufficient voucher for settlement and payment at the Treasury of the United States. And the Board of Regents shall be authorized to employ such persons as they may deem necessary to superintend the erection of the buildings and fitting up the rooms of the Institution. And all laws for the protection of public property in the city of Washington, shall apply to, and be in force for, the protection of the lands, buildings, and other property of said Institution. And all moneys recovered by, or accruing to, the institution shall be paid into the Treasury of the United States to the credit of the Smithsonian bequest, and separately accounted for, as provided in the act approved July first, eighteen hundred and thirty-six, accepting said bequest.

Sec. 6. *And be it further enacted*, That, in proportion as suitable arrangements can be made for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging, or hereafter to belong, to the United States, which may be in the city of Washington, in whosesoever custody the same may be, shall be delivered to such persons as may be authorized by the Board of Regents to receive them, and shall be arranged in such order, and so classed, as best to facilitate the examination and study of them, in the building so as aforesaid to be erected for the Institution; and the Regents of said Institution shall afterwards, as new specimens in natural history, geology, or mineralogy, may be obtained for the museum of the Institution by exchanges of duplicate specimens belonging to the Institution, (which they are hereby authorized to make,) or by donation, which they may receive, or otherwise, cause such new specimens to be also appropriately classed and arranged. And the minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States, and are now placed in the Department of State, shall be removed to said Institution, and shall be preserved separate and apart from the other property of the Institution.

Sec. 7. *And be it further enacted*, That the Secretary of the Board of Regents shall take charge of the building and property of said Institution, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in said Institution; and the said Secretary shall also discharge the duties of librarian and of keeper of the museum, and may, with the consent of the Board of Regents, employ assistants; and the said officers shall receive for their services such sum as may be allowed by

the Board of Regents, to be paid semi-annually on the first day of January and July, and the said officers shall be removable by the Board of Regents, whenever, in their judgment, the interests of the Institution require any of the said officers to be changed.

SEC. 8. *And be it further enacted,* That the members and honorary members of said Institution may hold such stated and special meetings, for the supervision of the affairs of said Institution, and the advice and instruction of said Board of Regents, to be called in the manner provided for in the by-laws of said Institution, at which the President, and in his absence, the Vice-President of the United States, shall preside. And the said Regents shall make, from the interest of said fund, an appropriation, not exceeding an average of twenty-five thousand dollars annually, for the gradual formation of a library, composed of valuable works pertaining to all departments of human knowledge.

SEC. 9. *And be it further enacted,* That of any other moneys which have accrued, or shall hereafter accrue, as interest upon the said Smithsonian fund, not herein appropriated, or not required for the purposes herein provided, the said managers are hereby authorized to make such disposal as they shall deem best suited for the promotion of the purposes of the testator, anything herein contained to the contrary notwithstanding.

SEC. 10. *And be it further enacted,* That the author or proprietor of any book, map, chart, musical composition, print, cut, or engraving, for which a copyright shall be secured under the existing acts of Congress, or those which shall hereafter be enacted respecting copyrights, shall, within three months from the publication of said book, map, chart, musical composition, print, cut, or engraving, deliver, or cause to be delivered, one copy of the same to the Librarian of the Smithsonian Institution, and one copy to the Librarian of Congress Library, for the use of the said libraries.

SEC. 11. *And be it further enacted,* That there is reserved to Congress the right of altering, amending, adding to, or repealing any of the provisions of this act: *Provided,* That no contract, or individual right, made or acquired under such provisions, shall be thereby divested or impaired.

Mr. OWEN moved to reconsider the vote on the passage of the bill, and moved the previous question.

The previous question was seconded, and the main question was ordered, and, being taken, was decided in the negative.

So the House refused to reconsider the vote, and the bill is finally passed.

HOUSE OF REPRESENTATIVES, *July* 24, 1846.

Mr. W. W. CAMPBELL, from the Joint Committee on the Library, to which was referred the memorial of Mr. Catlin for the purchase of his gallery of Indian collections of paintings, made a report thereon, and recommended an amendment to the bill of the House "To establish the Smithsonian Institution for the increase and diffusion of knowledge among men," providing for the purchase of said gallery of Indian collections of paintings; which report was laid upon the table.

HOUSE OF REPRESENTATIVES, *August* 10, 1846.

A message was received from the President of the United

States, informing the House that he had approved and signed the bill to provide for the establishment of the Smithsonian Institution.

The SPEAKER said, that by one provision of the bill, it was made the duty of the chair to appoint three regents.

And the SPEAKER announced that he had accordingly appointed the following gentlemen:

Mr. Robert Dale Owen, of Indiana; Mr. Wm. J. Hough, of New York; Mr. Henry W. Hilliard, of Alabama.

PROCEEDINGS IN THE SENATE.

SENATE, *January* 16, 1847.

Mr. BREESE rose and stated that there was a vacancy in the Board of Regents of the Smithsonian Institution occasioned by the death of Senator Pennybacker, and that it was important that the same be filled, inasmuch as there was to be a meeting of the Board of Regents on the 20th of this month, at which important business would be brought forward.

Mr. Breese referred to the law in relation to the mode of making appointments to fill vacancies occurring in the said board, which directs that such vacancies shall be filled in the same manner as vacancies occurring in standing committees of the Senate. These were filled either by election on the part of the Senate or by the appointment of the presiding officer. He moved that the Vice-President be authorized to appoint a person to fill the vacancy.

Mr. CRITTENDEN remarked that he was entirely satisfied with the appointments which had been made, although they were made after the adjournment of Congress, and consequently he had no participation in making them. But as a vacancy now occurred during a session of Congress, he thought it would be proper that the Senate should exercise its right to select a person to fill that vacancy. He was the more desirous that this should be done, inasmuch as he had in his mind a gentleman who had lately distinguished himself in writing upon this subject, and who, he believed, would be the proper person to be selected.

Mr. EVANS reminded the Senator from Kentucky that the person to be appointed must be a member of the Senate.

Mr. CRITTENDEN. Oh! that being the case, Mr. President, I offer no further objection to the motion. The person I wished to see appointed is Dr. Bird.

Mr. WESTCOTT said, when the Smithsonian bill was before Congress at the last session he was opposed to it, and he believed he voted against it throughout when present in the Senate, while it was under consideration. He had many objections to the bill. An insuperable one was, that he objected to those provisions by which Senators and Representatives were to be appointed "*regents*," an office created by the law passed by themselves. He had no idea that it was constitutional, or in anywise proper, for members of Congress to make offices for themselves of this character. The office of *regent* was a *civil office*—and the Constitution prohibited members of Congress from being appointed to any office created "during the term for which they were elected." It was an office of trust and honor, and, in some respects, of emolument. With this belief, he should not vote upon this motion, to which he had no other objection. If he voted *against* it, his vote would be subject to misconstruction. He knew a majority of the Senate differed with him on the constitutional question he had averted to, but on such a question he must obey the dictates of his own conscience.

The motion of Mr. Breese was then agreed to.

SENATE, *January* 18, 1847.

The Vice-President announced that he had appointed Mr. Lewis Cass to be a Regent of the Smithsonian Institution, in the place of Mr. Pennybacker, deceased.

SENATE, *February* 15, 1847.

Mr. EVANS, in pursuance of notice, obtained leave to bring in a bill to authorize the Regents of the Smithsonian Institution to purchase from the corporation of Washington the City Hall, and for other purposes.

The bill had its second reading, and was referred to the Committee for the District of Columbia. The bill is as follows:

AN ACT to authorize the Regents of the Smithsonian Institution to purchase, for the use of said Institution, of the corporation of the city of Washington, the City Hall, and for other purposes.

Be it enacted, &c., That the Regents of the Smithsonian Institution be, and they are hereby, authorized to purchase of the corporation of the city of Washington all the right, title, and interest of the said corporation in and to the City Hall of the said city; subject, however, to the conditions and provisions hereinafter specified: *Provided*, That the corporation shall, on or before the tenth day of March next, enter into bond, with sufficient sureties, to be approved by the Attorney General of the United States, that they will erect on the Market Space, between 7th and 9th streets west, and between Pennsylvania avenue and B street north, a suitable and commo-

dious building, in which there shall be included such apartments as may be necessary for the accommodation of the circuit court of the United States for the county of Washington, in the District of Columbia, for the use of the grand and petit jurors of the said county, for the offices of the clerk of the said court and the marshal of said District, and for the preservation and security of the books, papers, and records of the said court; and that they will complete the said building, or so much of the same as may contain the apartments and accommodations aforesaid, and shall prepare the same for the said courts and offices, on or before the tenth day of March, 1848. And upon such purchase being completed, the said corporation shall release and forever quit claim unto the said Smithsonian Institution all the right and title of the said corporation unto the said City Hall, and unto the possession and occupation of the lot or square on which the same now stands.

SEC. 2. *And be it further enacted*, That so soon as the said bond and release shall be executed by the said corporation, and sufficient evidence thereof be laid before the President of the United States, the President be, and he is hereby, authorized to grant unto the said corporation the right to occupy and improve, for public purposes, all or any portion of that lot or square of ground in the city of Washington, including the Market Space, lying between Seventh and Ninth streets west, and bounded on the north by the south line of Pennsylvania avenue, and on the south by the north line of B street north. And then, and in that case, there shall also be paid to the corporation, towards the erection of the building, as provided in the first section of this act, the sum of thirty-five thousand dollars, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated; and the said sum of thirty-five thousand dollars is hereby declared to be in full of the apartments and accommodations specified in the first section of this act; and the said apartments and accommodations shall forever remain subject to the occupation of the courts and their offices aforesaid.

SEC. 3. *And be it further enacted*, That in case of the execution, by the said corporation, of the bond and release aforesaid, the Regents of the Smithsonian Institution be, and they are hereby authorized, by resolution of the Board of Regents, to retrocede to the United States that certain building site in the city of Washington, and in the public reservation commonly called the Mall, which, according to the provisions of the act organizing said Institution, approved August 10, 1846, has become the property of the said Institution; and, upon proper evidence being adduced, to the satisfaction of the President of the United States, of said retrocession, the President shall be, and he is hereby, authorized to convey to the Smithsonian Institution, by metes and bounds, so much of that public reservation in the city of Washington, commonly called the Judiciary Square, as lies south of the extension of the south line of E street north, being the same lot or square on which the City Hall now stands; and the said conveyance by the President shall be received in evidence in all courts of the extent and boundaries of the lot or square of land which, by virtue of this act, may become the property of the said Smithsonian Institution.

SEC. 4. *And be it further enacted*, That the Commissioner of Public Buildings in the city of Washington be, and he is hereby, authorized and required to provide temporary accommodations in some suitable building for the circuit court of the United States for the county of Washington, and for its offices and records, until the tenth day of March, 1848. And for the purpose of procuring said accommodations, the sum of one thousand dollars, or so much of the same as may be required for that object, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

SENATE, *February* 22, 1847.

On motion by Mr. BREESE, the Vice-President was au-

thorized to fill the vacancy in the Board of Regents of the Smithsonian Institution, caused by the resignation of Mr. George Evans.

Mr. James A. Pearce, of Maryland, was appointed.

SENATE, *February* 27, 1847.

Mr. J. M. CLAYTON moved an amendment to the Civil and Diplomatic Appropriation bill appropriating a sum, ($5,000,) to paid annually, for the purchase of Catlin's gallery of Indian portraits, &c.

Mr. Clayton stated that this was probably the last opportunity which would be offered for obtaining this gallery of paintings, perpetuating the lineaments of these aborigines. He would not now go into the merits of these paintings. They had been seen by all the Senators. At the last session memorials had been presented from the principal artists praying that they might be purchased by the Government; and this was the last opportunity. They were about six hundred in number, and were now at the Louvre, in Paris, where they met with unqualified approbation. It was provided by his amendment that they were not to be purchased unless the Smithsonian Institution would find a place for them in their gallery, which he understood would probably be done. They might, perhaps, be purchased for about $50,000, of which it was proposed to pay $5,000 annually.

Mr. BREESE said he was not aware of any arrangement which had been suggested in the Institute for these paintings; and six hundred of them would fill the entire gallery intended for fine arts. These pictures are not, of themselves, of such excellence as would probably be selected for the gallery of the arts.

Mr. WESTCOTT was opposed to purchasing the portraits of savages. What great moral lesson are they intended to inculcate? He would rather see the portraits of the numerous citizens who have been murdered by these Indians. He would not vote a cent for a portrait of an Indian.

Mr. J. M. CLAYTON added, that this collection had cost Mr. Catlin not less than $10,000. Propositions had been made for their purchase in Europe, in order to perpetuate the memory of these Indians; but we are more bound to preserve them than foreigners were. As to the Institute this appropriation was to depend on their decision. If they could not provide a place for them the paintings would not be purchased.

The motion was then decided in the negative.

SENATE, *March* 2, 1847.

Mr. BREESE presented a report of the Board of Regents of the Smithsonian Institution, made agreeably to law, showing the operations, expenditures, and condition of the institution, which was ordered to be printed.

PROCEEDINGS IN SENATE.

SENATE, *December* 30, 1847.

On motion by Mr. BREESE, it was

Ordered, That a member be appointed by the Vice-President to fill the vacancy in the Board of Regents, occasioned by the resignation of the Hon. Lewis Cass.

Mr. DAVIS, of Mississippi, was appointed.

SENATE, *March* 4, 1848.

Mr. DAVIS, of Mississippi, on leave, introduced a joint resolution appointing certain Regents of the Smithsonian Institution; which was read a first and second time, and referred to the Committee on the Library.

SENATE, *June* 1, 1848.

On motion of Mr. DAVIS, of Mississippi,

Resolved, That one thousand additional copies of the report of the Regents of the Smithsonian Institution be printed for the use of the Senate.

SENATE, *July* 7, 1848.

On motion of Mr. PEARCE,

Resolved, That one hundred and fifty copies of the report of the Regents of the Smithsonian Institution, printed for the use of the Senate, be furnished to the Secretary of the institution for the use of said institution.

PROCEEDINGS IN HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES, *December* 8, 1847.

Mr. WHITE gave notice that on to-morrow, or some subsequent day, he would move to amend the rules of the House, so as to provide for the appointment of a Committee on the Smithsonian Institution.

HOUSE OF REPRESENTATIVES, *December* 13, 1847.

Mr. WHITE, in compliance with the notice he gave yesterday, introduced the following resolution:

Resolved, That the rules of this House be amended by adding one to the committees, to consist of nine members, which shall be entitled a Committee on the Smithsonian Institution. It shall be the duty of the said committee to supervise the proceedings of the Board of Regents, examine accounts and the condition of the funds of the institution, suggest such alterations or amendments of the law under which the institution was established as may be deemed necessary, and report to the House from time to time, as the interest of the institution may require.

Mr. HILLIARD said he supposed that the resolution would, as a matter of course, lie over.

The SPEAKER said that the resolution was now before the House.

Mr. HILLIARD deemed this resolution entirely unnecessary. The Regents of the Smithsonian Institution were selected, three from the Senate and three from this House. What possible necessity, then, could there be to justify the appointment of a committee to inspect the affairs of that institution? Besides, other departments of this Government were required to act in concert with them, and therefore there could be no reason to justify the bringing of the affairs of that institution into this arena of debate, that its progress might be embarrassed, its harmony of action impaired, and the objects which it had undertaken be defeated. He asked the gentleman what good he proposed to accomplish by it? He would impute no sinister motive to a gentleman of his enlarged and enlightened views, but still it must be borne in mind that the bill itself encountered great difficulties in its progress through the House during the last session. Much hostility was manifested to it, and therefore he again asked, what good could be anticipated from the appointment of such a committee?

Mr. HILLIARD believed they ought not to change the present relations of Congress to that institution. A committee appointed by this House would not share in the daily deliberations of the Board of Regents, and, without participating in them, it would be difficult to comprehend all its designs. The Board of Regents had endeavored in good faith to carry out the law passed by Congress; and, having done so, he said, let them go on; and if their affairs should hereafter call for the appointment of a select committee, appoint one when required, but do not now provide the means unnecessarily of constantly bringing on this floor, where they were so much oppressed with debate, the affairs of the Smithsonian Institution.

Mr. WHITE disclaimed all hostility to that institution, and declared his ardent desire to co-operate with the Regents. The bequest was a noble one, and it should be carried out

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Mr. BREESE presented a report of the Board of Regents of the Smithsonian Institution, made agreeably to law, showing the operations, expenditures, and condition of the institution, which was ordered to be printed.

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Mr. HILLIARD believed they ought not to change the present relations of Congress to that institution. A committee appointed by this House would not share in the daily deliberations of the Board of Regents, and, without participating in them, it would be difficult to comprehend all its designs. The Board of Regents had endeavored in good faith to carry out the law passed by Congress; and, having done so, he said, let them go on; and if their affairs should hereafter call for the appointment of a select committee, appoint one when required, but do not now provide the means unnecessarily of constantly bringing on this floor, where they were so much oppressed with debate, the affairs of the Smithsonian Institution.

Mr. WHITE disclaimed all hostility to that institution, and declared his ardent desire to co-operate with the Regents. The bequest was a noble one, and it should be carried out

in the same spirit. The committee which he proposed to create, on which he did not desire to be placed, would merely supervise the appropriations and review its affairs, and his could not, therefore, be considered a hostile motion. It was a new institution, under the care and guardianship of Congress, and such a committee might be necessary to report what was useful and requisite to carry out the design of the testator, which was to increase the diffusion of knowledge among men.

Mr. C. J. INGERSOLL suggested, to save time, that the resolution should be referred to the Select Committee on Rules, who could take it into consideration and report thereon to the House.

Mr. WHITE had no objection to that course. He modified his resolution accordingly, and it was referred to the select committee designated.

HOUSE OF REPRESENTATIVES, *December* 19, 1847.

The House having under consideration the Rules of the House, the seventh proposed rule was read as follows:

"7. In addition to the other standing committees of the House, there shall be one called the Smithsonian Committee, whose duty it shall be to superintend the affairs of the Smithsonian Institution."

Mr. C. J. INGERSOLL expressed a desire to postpone the consideration of this rule to a future day.

Mr. HILLIARD said he desired to occupy about ten minutes of the time of the House on this subject at this time. He thought this was the precise occasion on which a few words should be said.

Mr. C. J. INGERSOLL had no objection; but as the other rules had been disposed of, he wished to defer this for the present.

Mr. HILLIARD undertook to move the postponement to a day certain, and then proceeded as follows:

Mr. Speaker: It so happens, that I am the only member of the Board of Regents of the Smithsonian Institution now entitled to a seat on this floor. It is important to secure the good will of the country in behalf of an enterprise so elevated—one might say so sublime.

There exists some misconception in regard to the Institution, and idle rumors are afloat which may affect it injuriously. Scientific establishments are not to go out and court popularity, but they must not be indifferent to public sentiment. Before entering upon the stormy and engrossing debates in which we shall presently be engaged, I

desire by a simple statement of facts, to give the House a view of the history, condition, and plans of an institution which so strongly appeals to us for protection.

Mr. Smithson's bequest was a noble one. He gave his whole property to found at the city of Washington "an establishment for the increase and diffusion of knowledge among men." America was selected as a field for so wide and beneficent a design. Young, vigorous, rapidly increasing in numbers, this country afforded the best ground upon which to rest an establishment which was designed to enlighten mankind.

Entering into the spirit of this bequest, Congress passed an act making the most liberal provision for carrying it into practical effect. The whole sum, with its accumulated interest, was turned over to the establishment created by the act, composed of the President and Vice President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster General, the Attorney General, the Chief Justice, and the Commissioner of the Patent Office of the United States, and the Mayor of the city of Washington, during the time for which they shall hold their respective offices, and such other persons as they may elect honorary members. The sum amounted to five hundred and fifteen thousand one hundred and sixty-nine dollars, and a further sum of two hundred and forty-two thousand one hundred and twenty-nine dollars, being the accumulated interest upon that sum since it came into possession of the Government. The principal sum was forever to remain untouched, the interest was appropriated to the erection of the building and incidental expenses. The building to be erected was to meet the provisions of the act, which required it to contain suitable rooms or halls for the reception and arrangement, upon a *liberal scale*, of objects of natural history, including a geological and mineralogical cabinet; also a chemical laboratory, a library, a gallery of art, and the necessary lecture rooms. Another section provides that, in proportion as suitable arrangements can be made for their reception, all objects of art, and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens, belonging or hereafter to belong to the United States, which may be in the city of Washington, shall be delivered to the care of the institution, and so classed and arranged as best to facilitate the examination and study of them in the building to be erected. This at once empties the great hall of the

Patent Office, three hundred and fifty feet long, of its contents. It must be at once seen that the Smithsonian building ought, if it is to accommodate these great and various objects, to be of ample dimensions. This building, too, was to be erected without delay. The site was to be selected "*forthwith*," "and *so soon*" as that was done, the Board was to proceed with the erection of the building.

The Board of Regents faithfully studied the will of Mr. Smithson, and the law creating the establishment.

Two things were to be accomplished. First, to *increase* knowledge by original research; and then, second to *diffuse* it by suitable and efficient agencies; or in the language of the venerable and distinguished gentleman from Massachusetts, (Mr. Adams,) "to spread knowledge throughout the world."

The task devolved by Congress on the Regents was no light one. They were called on to organize and set on foot this establishment, so beneficent in its conception, so comprehensive in its design. The act of Congress prescribed certain parts of the plan, and left the other parts to be devised by the Board of Regents. That part of the plan which was embraced in the act of Congress had almost exclusive reference to the diffusion of knowledge. The means which provide for the increase have been supplied by the Regents.

We have been charged with being wildly extravagant—laying out large sums in purchase of old books. A story has been circulated that we paid $2,500 for an old and rare copy of the Bible. Now, sir, no man loves the Bible more than I do, but I could not have consented to an expenditure of that sort. I dare say no one member of the Board ever dreamed of such an expenditure.

Again, some have charged us with being too utilitarian, confining our operations to an improvement of the physical condition of mankind. We have certainly endeavored, in our plan of organization, to provide for the entire wants of mankind, and to meet the spirit of the age. We have brought into our service a gentleman who stands in the front rank of the science of the country—I mean Professor Henry, formerly of Princeton. His name is well known in Europe, and is associated with that of Faraday, and Arago, and Quetelet. I have before me the plan of organization adopted for the operations of the institution, to which I dedesire to call the attention of the House, but which, (as Mark Antony said on a much more important occasion, about the will of Cæsar,) pardon me, I do not intend to read. I

wish every gentleman in the House would read it, for it would receive on all sides a warm and generous support.

I desire to submit a few remarks in regard to our building. We were authorized by Congress to expend $240,000 in its erection; but, in view of the wide field of knowledge to be cultivated, the Regents resolved to save a part of this sum and add it to the principal. Keeping in view the great interests to be provided for, it was resolved to erect a building of proportions sufficiently ample to meet the requirements of the act of Congress, and of a style which should not offend the eye. This has been effected, a contract has been entered into, and a plan of expenditure agreed upon, which, while the building is gradually constructed, will carry out the plan to full completion, and at the end of five years from the time of its commencement. So far from having expended the sum appropriated by Congress for the purpose, we shall have, after erecting the structure, providing for its warming and ventilation, and the inclosure of the grounds, $140,000 to return to the principal sum. In the meanwhile we are carrying on the operations of the institution, stimulating original researches, publishing contributions to science, and gradually increasing our library. At the same time we pay our debts as we go on. This is, of course, accomplished by using the interest on the $240,000 for the building and the annually accruing interest on the principal fund for meeting the regular expenses of the institution.

The transactions of the present year are highly interesting, and will soon be published in a volume which will compare well with similar publications in Europe.

With the building, so far as it has gone, all paid for and every debt discharged, we shall have at the end of the year $10,000 more than we received from Congress.

Is there any necessity for a standing committee of this House? How is the Board of Regents composed? The act of Congress declares that it shall be constituted of the Vice-President of the United States, the Chief Justice of the United States, the Mayor of the city of Washington, three members of the Senate, three members of the House of Representatives, together with six other persons not members of Congress. Each House of Congress, it will be perceived, has three members of the Board of Regents; and it is required by law that the board shall submit to Congress at each session a report of the operations, expenditures, and condition of the institution.

At the last session, I presented a full report according to

law, which I now have before me; it was printed and circulated. Another report is about to be presented, embracing the report of the building committee, a paper containing some three hundred pages, full of useful information, which I should be happy to see printed. Is it then necessary to appoint a committee? Is it proper? Is it becoming? A committee of this House appointed "to superintend the affairs of the Smithsonian Institution!" This committee will bring under its supervision the Vice-President of the United States, the Chief Justice, three Senators, three Representatives, and six citizens at large, selected because of their character and attainments. May I most respectfully ask, who will superintend the affairs of that committee of five? Where is the necessity for thus complicating the machinery of an institution which ought to be left to enjoy the repose which science loves?

I hope, sir, that this institution, so important to this country and to mankind, will not be launched on the ever-heaving sea of politics. If that should happen, we should soon lose sight of land; storms and shipwreck would await us, and the hopes which crowned our noble enterprise in its commencement would perish with us.

I thank the House for the attention with which they have heard these remarks; it evinces the interest which they feel in an institution which claims their protection.

Mr. Hilliard concluded by moving to lay the proposed rule on the table.

Mr. ANDREW JOHNSON said he thought he understood the agreement between the gentleman from Alabama and the gentleman from Pennsylvania to be, that this subject should be postponed to a day certain.

Mr. C. J. INGERSOLL. My suggestion was, that the consideration of the subject be postponed to any given day which the gentleman from Alabama might name.

Mr. HILLIARD. I have no choice at all, sir.

Mr. INGERSOLL indicating his wish that the gentleman from Alabama should name the day.

Mr. HILLIARD said he would move, if agreeable to the House, that it be postponed to this day twelve months.

Mr. ANDREW JOHNSON addressed the chair, and inquired if that motion was not debatable?

The SPEAKER replied in the affirmative.

Mr. C. J. INGERSOLL suggested to Mr. Hilliard that his understanding was that it should be postponed to some day not distant, when the House could reach and dispose of it.

Mr. HILLIARD said he would withdraw the motion, as he

preferred the gentleman from Pennsylvania should make his own motion.

The SPEAKER said the gentleman from Pennsylvania had not the floor to make the motion. The gentleman from Tennessee [Mr. A. Johnson] had taken the floor.

Mr. HILLIARD then remarked that he had been reminded that his pledge was to move a postponement to a day within a reasonable period, and said he would modify his motion so as to name the 3d day of January next.

The SPEAKER said the motion could not be altered without the consent of the gentleman from Tennessee, who had the floor.

Mr. HILLIARD appealed to the gentleman from Tennessee to permit the modification to be made.

Mr. JOHNSON had no objection, provided it did not deprive him of the floor.

The motion was accordingly modified by Mr. Hilliard so as to postpone to the 3d day of January.

Mr. ANDREW JOHNSON then proceeded in his remarks. He said the gentleman who had just closed his remarks had seen no propriety or necessity for the appointment of this committee. He seemed to think it would be humiliating and detracting somewhat from the dignity of these individuals—who were called "Regents," he believed, in the act establishing the Smithsonian Institution—to have their proceedings come under the supervision of a committee of this House. Now, his (Mr. Johnson's) conceptions about dignity and position in this country were perhaps different from those of the gentleman from Alabama. According to his notions of government, this body occupied the highest and most elevated position. In this Democratic Government it was held that the people are sovereign, the source of all power; this body stands next to the people, next to the sovereignty, and instead of detracting from their dignity, he thought it was assigning them their true position. He knew there were some who were really fascinated by that word "Regent," and the fondness of such things was increasing in our country.

He thought the gentleman from Alabama had demonstrated clearly to this House, in his opposition to the creation of this committee, the necessity of its creation. If all was done well, everything regularly transacted, if the money was judiciously expended, in the name of common reason would it injure or affect their proceedings to be supervised by a committee appointed by this body? Why, the very disposition to shrink from the supervision of a committee

appointed by the popular branch of the Government ought to carry conviction to the mind of this House of the necessity of its creation.

He was no prophet, but when the bill was before the House for the establishment of the Smithsonian Institution, he had predicted what had already become a matter of fact —that this institution would be an incubus upon the Treasury, that it would be a perpetual source of expenditure. The clause in Mr. Smithson's will "for the increase and diffusion of knowledge among men" read well, it was true. And the gentleman from Alabama undertook also to prove how great financiers the Board of Regents were, and said, after all the improvements are done, they would have over $100,000 left. And how was this done? Why, they had taken $242,000, supposed to be the interest which had accumulated on this fund, and put that upon interest—having bought Treasury notes, he supposed, on which they were drawing interest; and by this means they had saved an immense sum. Did not every member know, who had paid attention to the discussion of this subject when the bill passed placing $500,000 at the discretion of the Board of Regents, that not a dollar of it was there? They first placed a certain amount in the Treasury that did not exist there, and then calculated interest on this fictitious amount, and then interest on the interest; which is the way in which they are to carry on their extensive works.

Mr. HILLIARD. Is the gentleman charging that upon the Board or this House?

Mr. JOHNSON. Charging what?

Mr. HILLIARD. Why, that a fictitious amount was placed in the Treasury.

Mr. JOHNSON. I was going on to prove the position that this institution would be an incubus upon the Treasury.

Mr. HILLIARD. But does the gentleman charge the putting this fictitious sum in the Treasury, &c., on the Board or on Congress. I wish him to answer on that point.

Mr. JOHNSON. On Congress. The bill of last session placed $500,000 in the Treasury which was not there in reality. It is true the Government received it; but they acted as a faithful trustee, and loaned it out, and not a cent has ever been returned. In this state of the case, Mr. Johnson denied that the Government was justly bound to refund the money, and that very few of their constituencies would sanction it. It would have been much better if she had never consented to act as trustee of it; for, notwithstanding their flourishing with "Regents," &c., and talking of

such a sum as in the Treasury, it was not there, and the expenses of this institution came out of the Treasury, which was already heavily taxed and burdened with debt to carry on the war. He insisted, now that they had commenced operations, that reports of their proceedings should be regularly laid before a committee of this House, who would thus have supervision over them, and be a check upon them. Such a restraint was needed in all Government establishments, and there was no reason in this case why this institution should be excepted.

HOUSE OF REPRESENTATIVES, *December* 22, 1847.

In pursuance of the act establishing the Smithsonian Institution—

The SPEAKER reappointed Mr. H. W. Hilliard, of Alabama, a Regent of the said institution; and appointed Mr. Geo. P. Marsh, of Vermont, and Mr. Robert McClelland, of Michigan, to the Board of Regents on the part of the House, in the place of Mr. Hough and Mr. Owen, whose terms have expired.

HOUSE OF REPRESENTATIVES, *January* 5, 1848.

The SPEAKER laid before the House a report from the Regents of the Smithsonian Institution, showing the operations, expenditures, and condition of that institution for the past year.

Mr. HOUSTON, of Delaware, moved to lay the report on the table, and that it be printed.

Mr. JOHNSON, of Tennessee, called for a division of the question, so as to take the question separately on each branch of the motion.

The question was divided accordingly, and the report was ordered to be laid on the table. The question then recurring on the motion to print—

Mr. JOHNSON, of Tennessee, opposed the printing at present. The House saw, in the proposition to print this cumbrous document, a beginning of what had been anticipated by some who were opposed to this institution. Here was a long report, accompanied by many documents, and this House was called upon to print them; and he expected they would have a proposition soon to print an extra number. It was true the law establishing this institution provides that the Regents should make a report to the House; but before this report was printed, before an order to print was made, the Committee on the Smithsonian Institution ought to be established, and ought to report to the House the pro-

priety of having this report and the accompanying documents printed.

Perhaps it might be considered by some, as he from the beginning had opposed this institution, that he had some personal dislike to those connected with it, or that he was operated upon from some other unworthy consideration, that produced his opposition to it. He availed himself of this occasion to disavow anything of this kind. He wanted this committee established; he wanted everything connected with this institution referred to this committee. Let that committee report the result of their investigation to this House.

But while he was upon the floor, there were some other things to which he would advert, for it was very difficult for him to get the floor here on any given subject. He had had the honor of making a few remarks the other day upon the resolution providing for the establishment of a committee upon the Smithsonian Institution; but before he had concluded his remarks the House adjourned, and the resolution had laid over from that day. The whole thing was left in the fog, and no one could tell when it would be reached again.

He had no personal hostility to this institution. He appreciated and approved the design of the donor. He thought the motives and intentions of Mr. Smithson were good; but this thing had received an improper direction, and was already beginning, as he had remarked, to result in a large annual expenditure to this Government, and Congress were called upon to appropriate sum after sum for printing and for other expenses in getting up this institution, which was to result in no good to the Government or the country. What good could result from this institution, with its peculiar organization? Why, it would have been much better, and would no doubt have fulfilled the good intentions and motives of the man's heart, had he bequeathed this sum to the United States to be expended in erecting school houses of some description in this District, and in the districts throughout the country, in which the common children of the country could be educated. It would have been diffusing knowledge among men more profitably, more in accordance with the design of the donor. But what good has this institution done, as now organized?

HOUSE OF REPRESENTATIVES, *January* 17, 1848.

MR. JOHNSON, of Tennessee, moved the following resolutions:

Resolved, That in addition to the standing committees of this House, there shall be one called the Smithsonian Committee, whose duty it shall be to superintend the affairs of the Smithsonian Institution.

Resolved, That the report made by the Regents and accompanying documents be referred to the Committee on the Smithsonian Institution, whose duty it shall be to examine the same in connection with the original journal and other documents from which they have been made, and report to this House whether, in their opinion it is necessary to print all or any portion of them, or not; and that said committee be, and is hereby, authorized and required to take into consideration the propriety and expediency of suspending all further operations of the Smithsonian Institution until the Treasury of the United States be relieved from the heavy and pressing burden created by the existing war between the anarchy of Mexico and the American Union. And, further, that said committee be authorized and required to procure the aid of three architects, distinguished in their profession, associated with two responsible and highly reputed scientific practical builders, who shall take into consideration the site, the design, and material of which the present building is composed, and report the result of such examination to this House. And, further, that said committee take into consideration the propriety of so changing and remodelling the present design of the Smithsonian Institution as to convert it into a "university," in the extended sense of the term, including the manual labor feature, as to embrace, agriculture, horticulture, and all the various branches of mechanism, or as many of them as may be deemed practicable and useful to the country.

The SPEAKER ruled the resolution out of order.

Mr. JOHNSON moved to suspend the rules that the resolution might be received.

The question was put on suspending the rules, and the motion was disagreed to.

Notices of motions for leave to introduce bills being in order, the following notice was given:

By Mr. JOHNSON, of Tennessee: Of a bill to change the title of an act, approved on the 10th day of August, 1846, entitled "An act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men," to that of the "Washington University for the benefit of the indigent children of the District of Columbia," in memory of and out of respect to George Washington, the Father of his Country.

HOUSE OF REPRESENTATIVES, *March* 13, 1848.

Mr. EMBREE offered the following preamble and resolution which was read, and the resolution agreed to:

Whereas, James Smithson, Esq., by his last will and testament, having given the whole of his property, now amounting to more than $700,000, to the United States, to found an establishment for the increase and diffusion of knowledge among men, and Congress, to carry out the liberal designs of the donor, having passed an act entitled "An act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men," approved August 10, 1846; and whereas officers have been appointed under said act, and are proceeding to erect a building, which, with the improvements attached, according to their estimate, is to cost about $250,000; and said officers are about to establish in said building, with the funds of the

institution, a library, to contain 100,000 volumes, a museum on a large scale, a chemical laboratory, lecture rooms for the purpose of delivering lectures, and a gallery of art; and whereas all of said objects are local in their nature, and confined to the city of Washington and its vicinity, when the design of the liberal donor was not only the increase of knowledge but the diffusion of it amongst men, for the general good; and whereas said act provides "that there is reserved to Congress the right of altering or amending, adding to, or repealing any of the provisions of this act:" Therefore be it

Resolved, That the Committee of the Library inquire into the expediency of so changing and modifying said act as to establish a department in said institution for the purpose of collecting and arranging information on agriculture, common school education, political economy, and the useful arts and sciences; which information, together with the useful lectures that may be delivered in said institution, shall be published and circulated gratuitously among the people, so as to carry out the design of the testator in diffusing useful knowledge amongst men, and that said committee report by bill or otherwise.

House of Representatives, *August* 8, 1848.

Mr. Preston, from the Committee on the Library, to which was referred the resolution of the House, of March 13, 1848, relative to the Smithsonian Institution, reported the following resolutions, which were read and agreed to:

Resolved, That it is inexpedient to change and modify the act establishing the Smithsonian Institution in the manner proposed in said resolution.

Resolved, That the committee be discharged from the further consideration of said resolution, and that it be laid upon the table.

PROCEEDINGS IN THE SENATE.

Senate, *December* 11, 1848.

Mr. Davis, of Mississippi, on leave, introduced the following joint resolution, which was read a first time:

Resolved, &c., That the vacancies in the Board of Regents of the Smithsonian Institution, of the class "other than members of Congress," be filled by the reappointment of the late incumbents, viz: Rufus Choate, of Massachusetts, and Gideon Hawley, of New York.

Mr. Davis explained the necessity for the immediate passage of the resolution, as a meeting of the Regents would take place on Wednesday, and it was important that the board should be fully organized.

The joint resolution was then read a second time, passed through Committee of the Whole, and was read a third time and passed.

Senate, *February* 22, 1849.

Mr. Mason presented the annual report of the Regents of the Smithsonian Institution; and moved that one thousand copies be printed for the use of the Senate; which was agreed to.

PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES, *December* 11, 1848.

Mr. ANDREW JOHNSON, of Tennessee, moved to amend the resolution of Mr. Truman Smith, so as to provide for the appointment of a standing committee, to be called the Committee on the Smithsonian Institution.

Mr. GOGGIN rose, and was understood to express his desire to offer an amendment providing that no member should have the right to call the previous question on any proposition presented to the House until the same should have been distinctly stated by the Chair or the Clerk.

Mr. Goggin desired, if in order, to offer this as an amendment to the amendment of the gentleman from Tennessee, [Mr. Johnson.]

The SPEAKER was understood to say that the proposition of the gentleman from Virginia [Mr. Goggin] would be in order after the amendment of the gentleman from Tennessee [Mr. Johnson] had been disposed of. The question now was, on ordering the appointment of an additional committee on the Smithsonian Institution.

The question was accordingly put by the Chair, but before the decision had been announced—

Mr. JOHNSON hoped, he said, that the House would adopt his amendment. The subject involved the expenditure of hundreds of thousands of dollars, and he could see no substantial reason why opposition should be made to the appointment of such a committee. The Regents were prepared, as he understood, to make a report. This Congress had the supervision of the fund, and had the appointment of some of its Regents; and he could not see why this body, or incorporation, or institution, upon which so much money had been expended, should not be reported upon, as to its proceedings and condition, to this House. Congress had received the fund, and had become responsible for it. They were the trustees. Were they to act before a committee of the House had reported upon the manner in which the funds had been disposed of, and upon other matters of that kind? He was utterly astonished that his amendment should find any opponent on this floor. Did gentlemen wish to exclude all light upon the subject—to prevent the country receiving such information as it was in their power to give—to keep from public view the facts connected with the expenditure of the money? It was strange that any gentleman should be found willing to say that he did not want a committee which might ascertain all the facts and

report them to the country. Various complaints had been made as to the expenditure of the money, the structure of the building, and the material of which it was composed. Were gentleman willing to exclude all those facts which it was requisite should be known in order to arrive at correct conclusions, and intelligently to direct the future operations of the Institution? If all was going on well, if the building was properly constructed, and the money had been properly expended, let the country understand it. He trusted that the House would adopt his proposition, and that a committee would be appointed.

Mr. McClelland, of Mich., said that he was not opposed to the appointment of the committee contemplated by the amendment of the gentleman from Tennessee, [Mr. Johnson.] At the same time, if he had no other reasons than those which had been assigned by the gentleman from Tennessee, he (Mr. McClelland) should be radically opposed to such an appointment. Reports had been sent in by the Board of Regents that were very full and ample in regard to all the facts that the people throughout the country could desire to know concerning this institution. One very full report of all facts touching the institution had been laid before the House at the last session of Congress. The House had refused to print it. That report, his friend from Tennessee (Mr. Johnson) would find, had set forth, in a simple and lucid manner, everything connected with the institution since its organization—everything that had been done under the law passed by Congress down to that time. He, (Mr. McClelland,) for one, as a member of the Board of Regents, would say, that it was not afraid of any investigation by a committee of this House or otherwise. He would go as far as any reasonable man in favor of economy and retrenchment; and he would say that the Board of Regents, so far as his knowledge extended, had acted upon both these principles in every step they had taken. He was astonished, on entering upon his official duties, to find that almost every report which had been put in circulation in regard to the institution was entirely false and groundless. He hoped that every gentleman here, who was a friend to the institution, would permit a committee to be appointed, and that it might be composed of members who were radically opposed to the institution, so that no barrier should be interposed to the most rigorous and searching scrutiny. And (continued Mr. McClelland) if that committee shall give to the country such a report as I know they will give, (for none other *can* they make,) the effect will be to raise the

institution to a higher point in public estimation than any which it has ever yet attained.

Mr. HILLIARD rose, as a member of the Board of Regents in this House, to make no opposition to the amendment of the gentleman from Tennessee, if it should be the deliberate opinion of the House that such a committee should be appointed. But he wished the House to mark the spirit in which the motion was made. When the report was brought forward by him (Mr. Hilliard) from the Board of Regents of the Smithsonian Institution, at the last session of Congress, and a motion was made to print it, the gentleman from Tennessee was the very one who interposed his objection to the printing. They had been reproached with not being willing to exhibit their doings to the country. It had been said that there had been improper expenditures of money, an indiscreet distribution of funds authorized by them. Here was an ample report setting forth all the facts, making everything plain; and when he had moved the printing of the report, for the information of the country, to his amazement that very gentleman objected to the printing, on the simple ground of expense. But now the gentleman came forward with a proposition to form a standing committee whose business it should be to supervise the action of the three members of this House and the three members of the Senate who were already charged with directing the affairs of this institution. He should offer no objections to the proposition; he left it to the taste and judgment of the House. For one, he gave way, and yielded any objections which he had hitherto offered to the proposition.

Mr. JOHNSON, of Tennessee, said the gentleman from Alabama seemed to have stepped off upon the wrong track when he said that the simple objection which he (Mr. Johnson) had had to the printing at the last session of Congress was that it would involve an expenditure of money.

Mr. HILLIARD (in his seat) said he had so understood it.

Mr. JOHNSON continued. The gentleman from Alabama had wholly misconceived his opposition to the printing of this report at the last session of Congress. It would be remembered by the gentleman from Alabama, and by the whole House, that he (Mr. Johnson) was striving the whole session, that he had made effort after effort to procure the appointment of a committee before this report should be printed, that they might ascertain whether this was the report which should be printed or not. This was the objection he had to the printing of the report. He wanted it

referred to a committee, with instructions to inquire into the expediency of printing this report, and also of printing a work which they desired to have printed upon architecture—a kind of mongrel report prepared by some of the regents. He wanted a committee appointed to inquire into all the facts about the institution, and to report them to this House; as well as to inquire into the expediency of printing this long, voluminous report of the regents.

Mr. HILLIARD said he believed he had understood the gentleman's remarks correctly, so far as his objections went to the expenses of the printing. The gentleman now chose to assume other grounds; that he desired to examine whether it was such a report as the House ought to receive. Now it would have been far better for the gentleman to have allowed it to be printed, and then this House would have been better enabled, at this session, to ascertain the fact whether it was such a report as they would receive.

But there was no concealing the fact, that the spirit in which the gentleman made his motion did not grow out of any desire to have the affairs of this institution better conducted, or to make its action more efficient, or to relieve it of a single burden; but, on the contrary, from the uncompromising hostility which the gentleman from Tennessee and a few others—he was happy to say they were but few—felt against this institution. The gentlemen would be for destroying its organization, for razing its structure to the very foundations, and for returning to the British Government, or to the trustees of the donor, the munificent sum which had been received from that quarter. He asked the gentleman if it was not so, and if he was not opposed to any use, whatever, being made of the fund for the establishment of an institution in this country called the Smithsonian Institution?

Mr. JOHNSON said, as the question had been asked him, he would very cheerfully answer it. The gentleman wanted to know if his hostility was not fixed to this institution.

Mr. SMITH, of Connecticut, rose to a question of order. He wished to know of the Speaker whether it was in order to discuss the general merits of the Smithsonian Institution upon a mere proposition to appoint a committee?

The SPEAKER replied that the House had adopted no rules of proceeding, and that the parliamentary law allowed a very wide range of debate.

Mr. JOHNSON proceeded in his explanation. He was satisfied that the gentleman from Alabama with no unkind spirit asked if he (Mr. Johnson) was not fixed in his hostil-

ity to the very organization of this institution. He could inform the gentleman from Alabama that he misconceived his relation to the Smithsonian Institution. He had no fixed hostility to it. The hostility (if it could be so called) —the opposition which he had to this institution rested upon other and different grounds from a mere hostility to the design of such an institution One of the principal reasons why he wanted this committee appointed was not out of opposition to the Smithsonian Institution; but taking into consideration the peculiar crisis of the country at that time, and the continuation of that crisis at this time, and the burdens which this institution was imposing upon the Government, he wished to see its affairs thoroughly investigated and brought before the public. That this fund had been received from the United States; that the United States had discharged its duty as trustee with fidelity; that this fund had been sunk and lost—these were all true; and according to his construction of the Constitution and of the duties of a trustee, he considered that the Government was exonerated from any further responsibility in connection with this fund. It was well known that the original fund had been lost, and it was known, too, that the law establishing the Smithsonian Institution, took the money out of the Treasury of the Government—out of the people's pocket? When the Smithsonian Institution was founded, every dollar of the money received from Mr. Smithson was gone—not a dollar of it was available. He had opposed an institution of this kind being established with funds taken out of the Treasury; not that he was opposed to an institution established upon the Smithsonian fund—not that he disapproved of the object of the donor; but he was opposed in time of war, when we were incurring a very heavy public debt, to going into the Treasury, and establishing an institution of this description, at an expense to the people of some five or six hundred thousand dollars.

Another reason was, that he believed, under the law itself, the money had been improperly withdrawn from the Treasury of the United States. The House had been informed, by the able and eloquent gentleman from Alabama, that the regents had withdrawn money from the Treasury to the amount of $242,000, and by an extraordinary process of financiering, were doubling and compounding it. They had been informed, also, that none of the principal had been expended. How had this been done? Why, when the law was passed, every gentleman here at all familiar with the subject knew that this fund was gone—

that not one dollar of it was left; he had the documents before him to show that this was the fact. But the law placed that in the Treasury which was not there; it was a legal fiction. It said that a certain amount had been placed in the Treasury in 1836, and had remained there and been drawing interest from 1836, and that the interest on that sum (which was not in the Treasury) was $242,000; and this amount was appropriated to the erection of this institution, called the Smithsonian Institution. He had believed it wrong; he still believed it so. But under this law, how this amount of money had been drawn out of the Treasury he had never been able to ascertain. He was in hope, now that a running discussion had arisen on the subject, that they would be informed how this large amount of money had been drawn out of the Treasury. He could find no authority for it in the act establishing the institution—no authority for drawing out of the Treasury this large amount of money, and placing it in the hands of their secretary, or at interest, or making any other disposition of it.

The reason why he had opposed the printing of this report at the last session, and proposed the appointment of a committee, was, that there were rumors about the city in relation to the contract for erecting the buildings; it had been charged that there had been bribery going on; cards had been published that there was maladministration in all these matters; that there was corruption in the very incipiency of this institution. They had been told that the building was bad, that the materials furnished were perishable, while he understood it was the design of the donor to have it made fire-proof—a substantial, enduring building. He wanted all these facts ascertained. Let the committee take the whole matter under their charge and report the facts, and let the House and the country determine whether it was all right or not.

He referred, as another objection, to the question of the incompatibility, under the Constitution, of the same individuals holding at the same time the office of members of Congress, drawing per diem and mileage as such, and the office of Regents of this institution, drawing also mileage and expenses from it—expenses which, when they came to look into these reports, they saw were extraordinary.

The gentleman had gravely charged that he had manifested hostility to the institution. Suppose he had; suppose he was determined to oppose it in every mood and tense; why, if the institution was right—if the object of the individual who gave the money was being carried out—

in the name of common sense, would not a committee, by their investigation, convince the House and the country that his objections were not not well founded, if such was the fact? Would not such investigation put the institution and the regents on a better, a more enduring foundation? Then let them have a committee. If the institution was right—if the Regents were carrying out the design of James Smithson, let it be ascertained by the committee, and be published to the House and the country.

Mr. Hilliard resumed. The gentleman now said he had no hostility to the institution. And how did he prove it? Why, he said they had put a fictitious sum into the Treasury, and therefore he would repeal the law, and replace the money in the Treasury. It was well known that this Government had received the fund from the trustees of James Smithson as a sacred trust. The Government had thought proper to loan the money to the State of Arkansas, he believed; the money had been squandered; and now the gentleman from Tennessee was opposed to the use of a single dollar by the Smithsonian Institution, until the State of Arkansas was made to refund the money! Was he not opposed to the institution? and was not the very object of his motion to uproot the whole establishment, on the ground that the Government had loaned the money to the State of Arkansas, and that it had never been returned? By every moral, by every equitable consideration, the Government having loaned and lost the money, was bound to make good the trust. Therefore, when the Government had thought proper to make the establishment, it had authorized the Regents in proper form to draw the money bequeathed by James Smithson. It was in this way that the money had been taken. And because they had thought proper to make a judicious use of it from time to time, they were arraigned by the gentleman as having squandered the funds. Let him agree to have the report published, and he would find that it gave a full account of what they had done.

But the gentleman had said it was a crisis. It had been a long crisis. Thank Heaven the crisis to which the gentleman referred had passed away. The gentleman's allusion to the war reminded him of the apology always offered by the steward in the Bride of Lammermoor, who always accounted for the absence of articles of luxury about the castle of his master, on the ground that there had been a great fire there; and now the gentleman would put down every appropriation, whether for new objects, or to maintain a great existing establishment, by the cry, "the war, the

war." He thanked heaven the war was at an end. He thanked heaven peace had come in our time; and he trusted that if there had been much treasure squandered in war, this establishment, so sublime in its design, so magnificent in its conception, was not to share in the calamities of war. His objection to the gentleman's scheme was, that it would launch the institution on a political sea. Leave the superintendence of the establishment to the Board of Regents, of whom three were members of the House, and three members of the Senate, and who in some sense constituted a committee of Congress, and leave to them to report upon the state of its affairs from time to time. If their fidelity and discretion could not be confided in, then we had fallen on evil times. But he would not oppose the motion; he would leave it to the judgment of the House to dispose of.

Mr. TRUMAN SMITH, of Conn., thought this proposition altogether premature. He had offered a resolution in the ordinary form—a resolution which really ought to have been offered early last week—for the adoption of the ordinary rules and orders of the House, and had connected with this a proposition, as at the last session of Congress, to raise a committee to revise and report upon the rules, from time to time. If this resolution, as offered, should pass, then they would have a committee upon the rules and orders of the House, and the gentleman from Tennessee could then offer his proposition, and refer it to that committee, who would take such action upon it as they might deem proper. He was now very apprehensive that there was to be no end to this discussion, and no end to their efforts to amend the rules, if they were to favor propositions of this character at all; and he desired to ask of the chair whether it was competent for him to move the previous question?

The SPEAKER replied that the previous question might be moved; but the question on the amendment, having been first moved, must be first put.

Mr. SMITH inquired, in case the previous question was sustained, if it did not cut off the amendment?

The SPEAKER said the previous question could not be put until after the question was taken on the amendment; and he read from the Manual on this point.

Mr. SMITH. If the previous question is moved, does it stop debate on this proposition?

The SPEAKER replied in the negative; but said he would regard the previous question as moved, so that, when this amendment was disposed of, no other could be moved, and

then no debate could arise except upon the previous question—the previous question being debatable under the Parliamentary law.

Mr. WHITE inquired in case this resolution was adopted, if it did not place all the bills and resolutions, &c., on the calendar as they were at the close of the last session—if it did not leave the House precisely in the position in which they were at the close of the last session?

The SPEAKER replied in the affirmative.

Mr. WHITE said, then, that a proposition of this character had been referred to the Committee on Rules, and remained unacted on. He wished to know whether it would not be competent to reach it in the ordinary way? and whether there was, therefore, any necessity for the adoption of the amendment of the gentleman from Tennessee?

Mr. GEO. P. MARSH said he did not rise for the purpose of impugning or defending the conduct of the Board of Regents, or even for the purpose of entering into the discussion of the merits of this motion; but simply that it might not be inferred from his silence that any member of the Board in this House was opposed to the adoption of the resolution. On the contrary, he was now, and had been from the time it was offered at the last session, decidedly in favor of its adoption. He was satisfied, from what he had seen of the management of this institution, that a committee such as was proposed by the gentleman from Tennessee would serve as a most wholesome and necessary check upon the proceedings of this institution. He believed that the Board of Regents would be, and ought to have been long since, made acquainted with its direct responsibility to the power which had created it.

Mr. R. B. RHETT, of S. C., said, for the reasons which the gentleman from Vermont had assigned, he trusted a committee would not be appointed. He wanted no such direct responsibility as the gentleman had spoken of. He was opposed to any connection of the Government with this institution; and he would suggest to the gentleman from Tennessee that his establishment of a standing committee was the very method of all others which was to give permanency to this institution, and attach it forever to the Government. The only way to get rid of it was to let all the money be paid over to these gentlemen—the Regents, and the Government cut themselves loose from it entirely. He was opposed to any committee, standing or otherwise, which set up a congressional supervision over the Regents of this institution, or over the institution itself. He hoped, therefore, unless the

House was determined to carry on this connection, to perpetuate it, and be responsible for the acts of this institution, that this committee would not be appointed. On the contrary, if the Regents thought proper, let the whole money be paid over to them, and the Government be cut off entirely from all responsibility or connection with it.

Mr. JOHNSON, of Arkansas, said he would take the liberty of making a remark here, for the purpose of setting himself and the State which he had the honor to represent in some degree right, in reference to this Smithsonian fund. The gentleman from Alabama had said that the State of Arkansas had squandered all this fund. Now, whether it was any enjoyment to the gentleman to assail his [Mr. Johnson's] State—

Mr. HILLIARD explained, disclaiming the slightest intention to assail the gentleman's State, and saying that he had merely spoken of the money as being lost or squandered by the General Government.

Mr. JOHNSON, of Ark., said the gentleman ought to have been aware of the fact that he might wound the feelings of some persons on the floor, in his rather loose and general style of speaking. He had heard those who did not like some of the Yankees, damn them all as a class. He never thought they did exactly right to damn every Yankee [laughter] because they disliked some few whom they had met. There were some very clever gentlemen amongst them; he wished there were as good elsewhere.

Now, he wished to say a few words in regard to this State and this fund. The gentleman had said the whole of this Smithsonian legacy had been squandered by the State of Arkansas. Squandered—how? Did the gentleman know anything about the disposal of this money by the State of Arkansas? If he did, he knew that it had been lost by the adoption, by that State, of his loved system—the banking system.

He wished to state, in order that his State might stand free from any unjust charge here, that there was not, within the limits of that State, and never had been, a respectable party, known as a party, who would repudiate the first dollar of the debt she owed. If there were such persons, he could only pledge himself, as an humble individual, that he would always fight them. Small as she was, insignificant as she was, there was no man within her limits who could live a political life for one day and espouse such a doctrine. What was her condition? She was poor; her population was small; the taxes upon her people would be increased

beyond human endurance, if they were put on to pay this debt at once. She was growing; she had natural resources, great and extensive; give them time to be developed, and she would pay this debt, and every other debt she owed. He believed it, before God.

But in the account between the United States and the State of Arkansas, the debt was not altogether on the side of the latter. It had used to be a matter of jest with his predecessor—a proud and honorable man, whose post he could never fill—that whenever the United States would settle, *then*, Arkansas would settle too. There was, nevertheless, a great deal of truth in this. The whole per centage on the sales of the public lands, which belonged to that State, had been reserved by the Government—for what? To apply towards the payment of this Smithsonian fund. What the amount was, he did not know. He hoped there would be enough to pay the interest; he would like it if there was enough to pay the principal too; there might not be enough for either. But that that State would come up to the mark, and fully pay all her debts, both principal and interest, whenever she was able to do so, he assured the gentleman from Alabama, and the country. He hoped the gentleman would not further attack the State in general; he would rather he would attack him. He did hope they would hear no more of this general denunciation—as far, at least, as the State of Arkansas was concerned. [A laugh.] He did not care if the gentleman attacked Alabama, [renewed laughter,] or any other State, with the consent of those who were to defend her; but let him not jump upon his State, because she was small! Why, gentlemen of magnanimity ought to be ashamed of themselves for such a course.

He was against this amendment, because this business was already placed in the hands of honorable men, the Regents of the Institution, who were fully competent to discharge the duty assigned to them; and furthermore, because they were amply severe upon the State of Arkansas, [a laugh,] from the experience he had had with them, without other men being added to them.

Mr. HILLIARD rose simply for the purpose of disclaiming any intention, in the remarks he had made, to assail the State of Arkansas.

Mr. MCILVAINE rose, and was understood to intimate his desire to move an amendment. But it was not now in order.

The question was thereupon taken on the amendment of

Mr. Johnson, of Tennessee, and was decided in the negative.

So the amendment was rejected.

The demand for the previous question was then seconded and the main question was ordered to be put; and, under its operation, the resolution of Mr. Smith was adopted.

The joint resolution of the Senate for the appointment of Regents in the Smithsonian Institution was taken up, read three times, passed, and returned to the Senate.

HOUSE OF REPRESENTATIVES, *December* 12, 1848.

The SPEAKER announced the call for petitions to be in order, and the call having reached the State of Louisiana—

Mr. MORSE observed that he did not rise to present a petition from the State of Louisiana, but to a privileged question; and he asked the attention of the House for a few moments. It was to the reconsideration of the vote on that part of the resolution for the adoption of the rules of the House which rejected the application for a commission on the Smithsonian Institution. He thought, without entering into any argument on this subject, that the House would see the propriety of appointing a committee, in order to meet the views expressed by the gentleman from Vermont, [Mr. Marsh,] as well as by the gentleman from South Carolina, [Mr. Rhett.] And he had no doubt that those of their friends on this side of the House who desired to terminate all connection between the Government and this institution, would see as well the propriety of submitting this matter to a committee, who would be authorized, without further instruction, to examine and see whether it would not be better, and whether it would not be carrying out the trust which the Government had solemnly accepted from the late James Smithson, to hand over all the moneys which had been received by the United States to an incorporated body, who should have the sole charge of the funds arising from this legacy. Such of the gentlemen on the other side of the House as thought the affairs of the institution would be better managed under the surveillance of a committee, must be of the opinion that it would be well to bring to the knowledge of the House the true, exact state of that institution. It was true a very elaborate, a very able report had been made by the Regents; but it was an *ex parte* report, so far as the interests of this country and the House were concerned. Let a committee be appointed, of capable men, who should take the matter into consideration, and see whether the ends of the donor would be best carried out by

keeping it under the control of this Government, or whether they would not faithfully discharge their trust, after having passed a law for the erection of suitable buildings, by disembarrassing the Government and the House from all connection with the institution. He held it to be a responsible duty which this House had taken upon itself; and whatever might have been the opinion of gentlemen on this side of the House as to the propriety of accepting the legacy, it was now too late to interpose any objections on that score. The two Houses of Congress were under solemn obligation faithfully to discharge the duty which, as the trustees of the people of the United States and of James Smithson, they had undertaken; and that duty could only be discharged by referring the matter to a committee, impartial in its character, capable of examining, who should report the facts to this House, as to the future conduct of this institution.

He was not disposed to commit himself now to either course, whether he should be in favor of continuing the connection of this institution with the Government or not; or whether he could see his way clear to disembarrass the Government from any further connection with it. He merely threw out the suggestion, that if a committee of gentlemen on this floor should show them, should indicate clearly that this could be done, then he apprehended there was no gentleman who would not be willing to leave it in the hands of the gentlemen who should have charge of this institution. The bill which established this Smithsonian Institution had passed hastily, without having undergone the surveillance of any committee. It was true, a distinguished gentleman had made an elaborate report from a committee appointed on this subject, accompanied by a bill; but the House would recollect that that report was rejected, and a substitute offered by a gentleman from New York, [Mr. Hough,] which embodied some amendments offered by himself, [Mr. Morse,] and by other gentlemen, was passed, and became the act under which the institution was at present organized. That act was imperfect in itself. His objection to it was, that so far as this House at least was concerned, it was very little discussed, very little debated. He held that Congress could not be true to its trust, unless once in a year or two (if they were to continue the management of the institution) they authorized and delegated a part of their body to examine and report all the facts of the case. He did not desire to take a position either with his friend from Vermont or his friend from South Carolina;

but he did desire that this House and the country at large should be possessed of all the facts in relation to the disbursement and management of the large amount of money left by this gentleman, and committed to them as trustees; and the committee might suggest some plan better calculated to carry out the views of the distinguished donor, than this hasty, imperfect act which they had passed.

With these views, he moved a reconsideration of the vote by which the amendment of the gentleman from Tennessee [Mr. Johnson] was rejected.

The SPEAKER said it would be necessary first to move to reconsider the adoption of the resolution, and announced the question accordingly.

Mr. POLLOCK moved to lay the motion to reconsider on the table; which was agreed to—yeas, 107, nays, 76; as follows:

YEAS—Messrs. Abbott, Adams, Ashmun, Atkinson, Barringer, Bayley, Beale, Belcher, Blackmar, Blanchard, Botts, Boydon, Wm. G. Brown, Butler, Canby, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Crowell, Dickey, Donnell, Garnett Duncan, Dunn, Eckert, Alexander Evans, Nathan Evans, Faran, Farrelly, Fisher, Flournoy, Fulton, Gentry, Giddings, Goggin, Gott, Green, Greeley, Gregory, Grinnell, Hale, Willard P. Hall, Nathan K. Hall, James G. Hampton, Moses Hampton, Henry, Isaac E. Holmes, Hubbard, Hunt, Charles J. Ingersoll, Jenkins, James H. Johnson, George W. Jones, John W. Jones, Daniel P. King, William T. Lawrence, Leffler, Ligon, Lincoln, Lumpkin, McIlvaine, McKay, McLane, Marvin, Morehead, Mullin, Murphy, Nelson, Nes, Nicoll, Outlaw, Peck, Pollock, Preston, Putnam, Rhett, Julius Rockwell, John A. Rockwell, Rumsey, St. John, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Stanton, Stephens, Strohm, Strong, Tallmadge, Taylor, Thibodeaux, Thomas, James Thompson, R. W. Thompson, Robert A. Thompson, Tompkins, Van Dyke, Wallace, Warren, White, Wick, and Wilson—107.

NAYS—Messrs. Bedinger, Bingham, Bocock, Bowdon, Brady, Brodhead, Charles Brown, Albert G. Brown, Buckner, Cathcart, Clapp, Franklin Clark, Howell Cobb, Williamson R. W. Cobb, Crozier, Cummins, Daniel, Darling, Dickinson, Dixon, Duer, Edwards, Embree, Featherston, Ficklin, Freedley, French, Fries, Gaines, Hammons, Haralson, Harris, Hill, Elias B. Holmes, Inge, Irvin, Iverson, Kaufman, Kellogg, Kennon, Lahm, La Sère, Sidney Lawrence, Levin, Lord, Lynde, Maclay, Job Mann, Marsh, Miller, Morris, Morse, Palfrey, Peaslee, Phelps, Richardson, Richey, Robinson, Rockhill, Root, Sawyer, Smart, Robert Smith, Starkweather, Charles E. Stuart, Jacob Thompson, John B. Thompson, William Thompson, Thurston, Tuck, Venable, Vinton, Wentworth, Wiley, Williams, and Woodward—76.

So the motion to reconsider was laid on the table.

HOUSE OF REPRESENTATIVES, *February* 19, 1849.

Mr. HILLIARD, by unanimous consent, presented a report of the Board of Regents of the Smithsonian Institution, showing the operations, expenditures, and condition of that Institution to the present time; which report was laid on the table, and ordered to be printed.

PROCEEDINGS IN THE SENATE.

SENATE, *April* 15, 1850.

The bill for the completion of the Patent Office being under consideration, Mr. DAVIS, of Mississippi, said:

Mr. President: What the wants of the Patent Office are now is one thing, and what those wants will be in a few years is another, and an entirely different thing. Not only from the report of the last Commissioner of Patents, but from inspection, if any one choose to make it, and see the condition of things in that department, I think it may be denied that there is room enough in the present building for the wants of the department. If I understand the report of the present Commissioner of Patents or the Secretary of the Interior, the argument against the want of further room by the Patent Department, is based upon the supposition that all which now belongs to the National Institute, all connected with the exploring expedition which now fills the museum of the Patent Office, is to be transferred to the Smithsonian Institution. That seems to be the basis of the conclusion. Now, sir, I wish to state to the Senate that Congress has no power to impose upon that institution the duty of taking charge of this collection of the exploring expedition—we may infer from their act—nor did they ever intend to do so. They gave to that institution the right to take all such curiosities brought home by the exploring expedition as might be desired for that institution, and I will inform the Senate that it is not the intention of the present Board of Regents of the Smithsonian Institution to take charge of the museum of the Patent Office, and the room appropriated to these curiosities will be required hereafter as now.

SENATE, *July* 29, 1850.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Smithsonian Institution, transmitting the annual report of the Board of Regents.

On motion by Mr. Davis, of Mississippi,

Ordered, That it be referred to the Committee on Printing, with instructions to inquire into the expediency of printing five thousand additional copies without the Appendix.

SENATE, *July* 30, 1850.

Mr. HAMLIN, from the Committee on Printing, reported in favor of printing the Report of the Smithsonian Institution, with 5,000 additional copies without the Appendix, 500

of which are for the use of the Smithsonian Institution; which report was agreed to.

SENATE, *December* 10, 1850.

Mr. PEARCE gave notice of his intention to ask leave to introduce a joint resolution providing for the appointment of Regents of the Smithsonian Institution.

SENATE, *December* 11, 1850.

Mr. PEARCE, in pursuance of notice, asked and obtained leave to introduce a joint resolution for the appointment of Regents of the Smithsonian Institution:

Resolved, &c., That the vacancy in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress" be filled by the reappointment of the late incumbents, viz: Richard Rush, of Pennsylvania, and Joseph G. Totten, of the city of Washington.

On the motion of Mr. PEARCE, the joint resolution was read a second time, and considered as in Committee of the Whole. Having been reported to the Senate, it was ordered to be engrossed for a third reading, and was subsequently read a third time and passed.

SENATE, *January* 9, 1851.

Mr. DAVIS, of Mississippi, submitted the following resolution:

Resolved, That the Committee on Printing be instructed to inquire into the propriety of printing three thousand extra copies of the Appendix to the report of the Regents of the Smithsonian Institution, one thousand of which to be for the benefit of the Smithsonian Institution.

Mr. DAVIS, of Mississippi. Mr. President, when I made the motion to print extra copies of the report of the Regents of the Smithsonian Institution, I was not acquainted with the value of the Appendix. It contains valuable statistical and other information respecting the libraries of the United States, and it is believed that it would be valuable and desirable to the country at large.

The resolution was agreed to.

SENATE, *January* 23, 1851.

Mr. PEARCE. I have a memorial from the Regents of the Smithsonian Institution, which I ask to be referred to the Finance Committee. It was so referred.

The memorial is as follows:

To the Honorable, the Senate and House of Representatives, in Congress assembled:

GENTLEMEN: The Board of Regents of the Smithsonian Institution have directed me to transmit to your honorable

body, the resolutions appended to this letter, and to solicit the passing of a law, in accordance therewith.

It is known to your honorable body, that the original sum received into the United States Treasury from the Smithsonian bequest, was a little more than $515,000, and that at the time of the passage of the act incorporating the institution, $242,000 had accrued in interest, which sum or so much of it as might be deemed necessary, the Regents were authorized to appropriate to a building, It is also known to your honorable body, that the act of incorporation directed that provision should be made for the establishment of a library and museum, together with the erection of a building on a liberal scale to contain them.

While the Regents in their plan of organization obeyed these instructions, they also by virtue of the power invested in them, and in conformity with the terms of the bequest, adopted additional plans for the more immediate promotion of the increase and diffusion of knowledge among men, by means of researches, publications, lectures, &c.

In order, however, to carry out the several parts of this more extended plan, it was found absolutely necessary that the annual income of the institution should be increased. To accomplish this, it was resolved, instead of expending at once the $242,000 on a building, carefully to husband the same and to erect the building in the course of several years, in part out of the proceeds of the sum before mentioned, and in part out of such portions of the income of the original fund as could be spared from the ordinary operations of the institution. This scheme has been effectually carried out, and the Regents now ask to be allowed to place in the Treasury of the United States along side of the original bequest, and upon the same terms, never to be expended, the sum of $150,000 of accrued interest, and to be allowed to add to this from time to time, such other sums as may come into their possession by donation or otherwise, until it, with the sums thus added shall amount to $200,000, making in all a principal fund of a little more than $715,000.

After this deposit of $150,000, the Regents will still have sufficient money on hand to finish the whole exterior of the building, and such portions of the interior in addition to those now completed, as may be wanted for several years to come, they then propose gradually to finish the remainder in such portions as may be wanted out of the annual accruing interest.

The sole object of the request is the permanent invest-

ment and perpetual security of the accumulated fund, and when your honorable body is assured that the organization and operation of the institution have received the approbation of the wise and good, not only in this country, but in every part of the world where literature and science are cultivated, the undersigned trusts that the request will be granted.

And your petitioner will ever pray, &c.

(Signed) JOSEPH HENRY,
Secretary of the Smithsonian Institution.

Resolution of the Board of Regents of the Smithsonian Institution, adopted at their meeting of June 1, 1850, *and appended to the foregoing petition.*

Resolved, That it is expedient to enlarge the permanent fund of the institution, by the investment of such sums not exceeding $200,000 as may have been, or shall be received for accrued interest or otherwise, in addition to the principal sum of the Smithsonian bequest, augmenting the principal sum to that amount, and that application be made to Congress to receive such sums not exceeding $200,000 as may have been or shall be received for accrued interest or otherwise into the United States Treasury upon the same terms on which the original bequest has been received.

Resolved, That the Secretary be requested to communicate a copy of this resolution to Congress, and to request that provision be made by law in accordance therewith.

SENATE, *January* 28, 1851.

Mr. WALKER, of Wisconsin, submitted the following resolution; which lies over one day under the rule:

Resolved, That the Board of Regents of the Smithsonian Institution be directed to inform the Senate why the 6th section of the act entitled "An act to establish the Smithsonian Institution, for the increase and diffusion of knowledge among men," has not been complied with by making suitable arrangements for the reception of the "objects of art," &c., named in said section.

SENATE, *January* 30, 1851.

Mr. EWING, from the Committee on Finance, to which was referred the memorial of the Regents of the Smithsonian Institution, reported a bill supplementary to an act passed 10th August, 1846, entitled "An act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men;" which was read and passed to a second reading.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the money now in the hands of the Regents of the Smithsonian Institution, being an accumulation of interest on the principal fund that accrued prior to July first, eighteen hundred and forty-seven, and heretofore set apart for the erection of the suitable buildings for the use of said institution, as may not be found necessary for the completion of the edifice now in course of erection, and all such further sums as may be received hereafter from the estate of James

Smithson, shall be received into the Treasury of the United States on tl same terms as were provided for the original principal fund by the secon section of the act entitled "An act to establish the Smithsonian Institutio for the increase and diffusion of knowledge among men," approved Augu tenth, eighteen hundred and forty-six, and that the interest thereon at tl rate of six per centum per annum, shall in like manner be payable hal yearly, on the first of January and July in each year, from and after tl date at which it shall be received into the Treasury of the United State for the perpetual maintenance and support of said institution: *Provide* That the sums thus to be received, shall not exceed the amount of tw hundred thousand dollars.

The Senate proceeded to consider the following resolu tion, submitted by Mr. Walker on the 28th instant.

Resolved, That the Board of Regents of the Smithsonian Institution l directed to inform the Senate why the 6th section of the act entitled "A act to establish the Smithsonian Institution, for the increase and diffusio of knowledge among men," has not been complied with by making suitab arrangements for the reception of the "objects of art," &c., named in sai section.

Mr. Davis, of Mississippi. I hope that the resolution wil not be favorably entertained by the Senate. The Smithsc nian Institution is not a department of the Government and I hope Congress will never undertake to take charge o it. This is a call upon the Board of Regents to explain t us something in connection with the execution of thei duty. If it were a proper and a well-founded call, I shoul still think it improper for Congress to interfere with th administration of a fund which it has confided to a Boar of Regents not entirely formed of members of Congress and not responsible to it. An examination of the charte would have shown the Senator who introduced the resolu tion that there was no obligation on the Smithsonian Insti tution to receive the museum, which I suppose is the matte referred to, but that, on the other hand, it was considere a grant which the Government was willing to make in friendly spirit, of objects of art and curiosity, whenever th institution should appoint some person to receive them It is obligatory to deliver, but not to receive. In som other countries there is a courtesy between the king an his ministers, that a minister shall never refuse a present In Siam, whenever the king wishes to crush a ministe he sends him the present of an elephant. The minister can not refuse the present, because it comes from the king, bu the expense of keeping the present crushes the minister. I is exactly such a present that the Senator from Wisconsi wishes to force the Smithsonian Institution to receive. I is a present the charge of which would deduct very greatl from the means of the institution to carry out the purpose

of its donor—a foreigner who gave a fund for a special object enumerated in his will.

If it were in the power of this Government to charge the Smithsonian Institution with the keeping of this museum. I should deem it more than improper in the Government to transfer an extensive collection which it holds, and fasten the charge of maintaining it upon the fund given by a foreigner for the increase and diffusion of knowledge among men, and the establishment of an institution for that purpose, to be located at the city of Washington, in the United States. But it is clearly not within the power of Congress to charge that fund with the keeping up of any establishment which the Government may choose either to create, or which it may now have in its possession, and which would pervert the trust from its proper use.

If the Senator had examined the charter he would have found still further that in the kindness which prevailed, and the anticipation of a good understanding between that institution and Congress, terms so general were employed, that a power was given to the institution to strip the rotundo of the paintings which now adorn it, to take the models from the Patent Office, not merely the museum which is collected as the result of exploring expeditions, but, everything which that institution, if they claim the strict letter of the law, might choose to abstract from the various departments of the Government. But, without going into this question, I wish to call the attention of the Senate to the fact that here is an institution founded by the bequest of a foreigner, of which bequest the United States, properly or improperly, I will not now stop to consider, have taken charge as trustee, and to administer which fund they have organized a Board of Regents. Its active operations have already been incumbered by the Congress of the United States requiring them to erect an expensive building, with apartments for a museum and gallery of art. Now it is proposed to incumber them still further, by charging them with keeping a large museum of the United States, with which that institution has no proper connection. It is no part of the general plan of that institution to collect a large museum. The object is, according to the will of the founder, to increase and diffuse knowledge among men. They, therefore, only wish to collect those things which are not to be found in the other museums of the country. They only wish to explore fields which have not been trodden before.

The object of the Senator from Wisconsin—the effect of

his construction if sustained—is to cripple that fund in the very object for which it was given, and encumber it with the keeping of a great collection of art which now belongs to the United States. I do hope that the Senate will reject the resolution.

Mr. PEARCE. Mr. President, after what has been said by the Senator from Mississippi it would be unnecessary to say anything more. But I wish to state two considerations, which I trust will be sufficient to induce the Senate not to adopt the resolution. In the first place, the resolution assumes that the Board of Regents of the Smithsonian Institution have neglected their duty. I think it can very easily be shown that they have not neglected this or any other duty imposed upon them. In the next place, all the information which the Senate can possibly derive from any communication the Board of Regents might make in answer to such a call is already in the possession of the Senate. The last annual report of the Board of Regents has been laid before the Senate and printed. That report explains fully their system of operations from the time of their organization. It sets forth the scheme of finance which they adopted, and in pursuance of that scheme of finance, the enlargement of the principal fund, which was rather small, for the great objects of the institution. They propose to extend the erection of the building over a series of years instead of completing it at once by the whole sum which the act of Congress authorized them to apply for that purpose. They have erected the building slowly, so as to apply the accruing interest to the enlargement of the fund and the increase of the general endowment of the institution. The plan of the building under which it is now being erected is precisely that which was adopted in the first instance by the Board of Regents, and which, if it be completed, will, if Congress choose to compel the institution to accept of this donation, enable them to accommodate this museum. The central building will accommodate the library which it is proposed the institution shall have, and also the museum of art. The upper story of the central building is designed for the museum of art, where the collections now in the Patent Office can be placed if Congress insist upon it. They have, therefore, neglected no duty; they have done their duty properly, judiciously, economically, faithfully. I suppose no one will charge them with a dereliction of duty, because they have endeavored to increase the principal fund, with the view of having the insti-

tution better enabled to carry out the great and noble purposes of its founder.

We have, therefore, all the information which we can desire, and I see no necessity for the resolution of the Senator. I would mention that in the last annual report there is a distinct expression of the will of the Board of Regents that they should not be compelled to accept of this donation, and their belief that, under the law as it now is, they cannot be compelled to accept it, and that it would be a present which would be very expensive to them and take from their funds that which might be used for much more useful purposes.

Mr. FOOTE. I rise simply for the purpose of moving to lay the resolution on the table. I am sure my friend from Wisconsin will feel satisfied, after the explanation which has been given, that no good can result to the country by further pressing this resolution. With the view of avoiding any further debate, unless the Senator from Wisconsin wishes to be heard on his resolution, and inasmuch as the time has arrived for the consideration of the special order, I shall move to lay this resolution on the table. If my friend from Wisconsin will promise to make a very short speech, and then make the motion, however, I will withdraw it; but otherwise I cannot.

Mr. WALKER. I wish to say a few words, but do not wish to promise to make any such motion.

Mr. FOOTE. Then I must insist upon the motion.

Mr. WALKER. I ask, is this fair?

Mr. FOOTE. It is perfectly courteous. I may be allowed to say that I wish to proceed with the discussion of another important question, and that is the reason I make the motion, but which I will withdraw provided the Senator will renew it.

Mr. WALKER. I will make the motion, but not vote for it.

Mr. FOOTE. Then I withdraw my motion.

Mr. WALKER. I should not perhaps have said anything on this resolution had it not been for an observation which fell from the Senator from Mississippi, [Mr. Davis.] He attributed to me in emphatic terms an object, which was to cripple the fund, as he said, by imposing upon it the burden of this museum.

Mr. DAVIS, of Mississippi. I did not intend to charge the Senator from Wisconsin with any improper motive. I merely stated what the effect of the proposition would be. But I did not believe that the Senator from Wisconsin uninvited would have directed his attention to this subject. I

take it for granted that some one suggested the resolution to him.

Mr. WALKER. In that the Senator is altogether mistaken. I have heard the subject spoken of in a great many quarters, but my own mind suggested to me the course I have taken here and elsewhere. I think I can appeal to the Senate that I generally introduce my own thoughts, and a great many of them, in opposition to what seems to be the mind of the Senate. I shall always act on the suggestions of my own mind when right and justice requires me to do so.

Both the Senator from Mississippi, and the Senator from Maryland are altogether mistaken in what I intended by the resolution. I have partly accomplished what I intended. I wished information from the Senator from Mississippi and the Senator from Maryland, whom I well knew were more familiar with the subject than I was, and ought to be so, for they are, I believe, both regents of the institution. My object was, to call out information on the subject. On looking to the sixth section of the act, approved August 10th, 1816, which was the act establishing the Smithsonian Institution, I was really at some loss to determine what it meant, and I am anxious to get views of the Board of Regents upon that point. That section is this:

SEC. 6. *And be it further enacted*, That, in proportion as suitable arrangements can be made for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging, or hereafter to belong, to the United States, which may be in the city of Washington, in whosesoever custody the same may be, shall be delivered to such persons as may be authorized by the Board of Regents to receive them, and shall be arranged in such order, and so classed, as best to facilitate the examination and study of them, in the building so as aforesaid to be erected for the Institution; and the Regents of said Institution shall afterwards, as new specimens in natural history, geology, or mineralogy, may be obtained for the museum of the Institution by exchanges of duplicate specimens belonging to the Institution, (which they are hereby authorized to make,) or by donation, which they may receive, or otherwise, cause such new specimens to be also appropriately classed and arranged. And the minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States, and are now placed in the Department of State, shall be removed to said Institution, and shall be preserved separate and apart from the other property of the Institution.

I was in doubt as to the meaning of this section, and it seems to me that almost every body would be in doubt as to the meaning of Congress in its passage. A portion of it looks as though this was a gratuity, and another portion looks as though it imposed an obligation on the institution to provide for and receive those articles which are mentioned.

Then, looking at the interests of the Patent Office, I come to this conclusion, that if it was proper and right that the Smithsonian Institution should take charge of these things and relieve the Patent Office, they should certainly do it. If any one will go to the Patent Office, and observe the manmer in which models are kept, he will be satisfied that the exhibition room of that office ought to be clear, and the models to be exhibited there. At present the exhibition room of the Patent Office is occupied by this cabinet of curiosities. Models are crowded into places never intended for them, and look more like a series of brush heaps than anything else. A person can scarcely get one that is not broken; one can be scarcely got out of the cases where they are deposited. This is an improper mode of keeping the models of the inventors of the country. Something should be done to remedy this evil. I think the patent fund should be appropriated to the use of the Patent Office, and not to the relief of the other departments of the Government. I hope that the enlargement of the Patent Office building, which has been paid for by the patent fund, will not be used for the convenience and accommodation of other Departments. What says the Secretary of the Interior? In his last annual report, after enumerating various bureaus of his Department which need additional accommodations, he says:

"I therefore recommend that the two wings of the Patent Office be finished, and that they be appropriated to the accommodation of the Department of the Interior, and the different offices thereto attached. They will thus be brought under one roof, the communication between the head of the department and the different bureaus will be greatly facilitated, and the records of the government safely lodged in a fire-proof building.

I had hoped when I saw $216,468 taken from the patent fund for a beautiful palace, that the models of the inventions and the inventors and mechanics of the country would receive some benefit from it; but I see it is utterly hopeless, seeing this recommendation of the Secretary of the Interior, and the wreck that is taking place in the Patent Office of the models and inventions of the country.

The Senator from Mississippi and the Senator from Maryland have given me some information on the subject of the resolution. And now I would say to those gentlemen, both as Senators and Regents of the Institution, that I entertain not the least unkind feelings toward the Smithsonian Institution. On the contrary, I would be willing to do anything reasonable that is within my power to facilitate its great object, and the benefits which the country expects to derive

from it; but, at the same time I am unwilling to bestow benefits on that institution at the sacrifice of the old and greater interests of the patentees and the Patent Office. With these feelings I think there was no impropriety in offering the resolution.

If the Smithsonian Institution is not to take charge of these curiosities, it seems to me that something should be done to relieve the Patent Office from its present embarrassing condition in relation to the exhibition of its models. I think the patent fund, the fund contributed by the mechanics and inventors of the country, ought to be used solely for the benefit of the Patent Office, and not for any other department of the Government unconnected with that fund or its interests.

According to my promise, I now move to lay the resolution on the table, although I shall vote against the motion, and hope it will not prevail.

Mr. DAVIS, of Mississippi. Will the Senator withdraw the motion?

Mr. WALKER. Certainly.

Mr. DAVIS, of Mississippi. I shall consume but very little time. Having made as much explanation as I thought was due to the occasion in relation to the supposition by the Senator from Wisconsin of a personal or offensive application of what I said, I have nothing more to say on that point.

The object of the Senator, as directed to the benefit of the inventors of the country by providing a proper room for the exhibition of the models of their inventions, is one in which I very cordially sympathise. The Committee on Public Buildings have already that subject somewhat under consideration. I know quite well that the models in the Patent Office are in such a confused condition as not to comply with the terms of the law. The great gallery intended for the exhibition of models is now occupied by the museum which has been referred to. The present building, however, was built by money drawn from the United States Treasury, and may be occupied for that purpose. The wing which is being added and built out of the patent fund, is clearly a building which should be for the use of the Patent Office, and I hope it will not be transferred to any other use. I sympathise with the object of the Senator in giving proper accommodations to the models in the Patent Office, and reserving for the use of that office the building which is being erected out of the patent fund. So far we go together.

I take it for granted, from the object of the Smithsonian Institution, and from the plan on which its operations have been commenced and will be conducted, that it will never want such a museum as that in the Patent Office; still less will it want the garden of plants which has been collected by the exploring expedition. I suppose it would cost the institution not less than $10,000 a year to support such an establishment; and if it were transferred, Congress, I think, would be bound to endow the institution with $10,000 a year additional. I think it is quite appropriate to keep these natural curiosities in the Patent Office. They may aid inventive genius. Vegetable growth and animal action are elements upon which mechanical invention rests. There would therefore seem to be something appropriate in lodging them in the Patent Office. If they are not to be kept there, let the Government provide a room elsewhere, get rid of them, destroy them, or give them to somebody that will take them. But let not the Government coerce a fund, of which it was the chosen trustee, which was granted by a foreigner for a special purpose, with the charge of keeping this collection.

Mr. BADGER. I move to lay the resolution on the table.

The motion was agreed to, and the resolution was ordered to lie on the table.

SENATE, *March* 1, 1851.

The President of the Senate laid before the body, a letter from the Secretary of the Smithsonian Institution, communicating the annual report of the Board of Regents of said Institution; which was read and ordered to lie on the table.

On motion by Mr. PEARCE that it be printed, and that 2,000 extra copies thereof be printed, the motion was referred to the Committee on Printing.

SENATE, *March* 5, 1851.

On motion of Mr. PEARCE the President of the Senate was authorized to fill the vacancy in the Board of Regents of the Smithsonian Institution occasioned by the expiration on the 3d day of March, 1851, of the term of the Hon. Jefferson Davis.

SENATE, *March* 6, 1851.

On motion of Mr. PEARCE, the President of the Senate was authorized to fill the vacancy in the Board of Regents occasioned by the expiration of the term of service of the Hon. James M. Mason.

The President re-appointed the Hon. Jefferson Davis and the Hon. James M. Mason, as Regents of the Smithsonian Institution.

SENATE, *March* 7, 1851.

On motion by Mr. BORLAND, the report of the Board of Regents of the Smithsonian Institution was ordered to be printed.

Mr. BORLAND. I now move that three thousand extra copies of that report be printed.

Mr. BRADBURY. I hope we will let the matter of printing documents lie over until we meet for the transaction of ordinary legislative business; and not undertake enterprises of this kind at this time.

Mr. DAVIS, of Mississippi. I cannot see how the printing of a report made to Congress can properly be termed an enterprise.

Mr. RHETT. Who is to print it?

Mr. DAVIS, of Mississippi. The public printer.

Mr. RHETT. He says he cannot do it.

Mr. BORLAND. That is the old contractor. This goes to the new contractor.

Mr. DAVIS, of Mississippi. I was surprised to hear the few remarks which were made on this question. Surely Senators forget that the United States have accepted the bequest made by a foreigner to found an institution at Washington, and that Congress have organized a Board of Regents, and given them the charge of the fund so left to the United States for the benefit of mankind; and this is the report of the board so constituted by Congress. If there be anything more than another which we should circulate freely throughout the United States, it is the knowledge of the manner in which we discharge this holy trust which we have taken upon ourselves. The report of the Board of Regents of the Smithsonian Institution is made to Congress by authority as high as the report of any committee of Congress. If it be said that you ought not to print extra copies of this, to that I would reply that a report made by a committee of Congress is for the action of Congress, and it would be questionable whether the Senate should print extra copies of a report of one of its committees; but it is clear that if you have authority to print for circulation and distribution at all, it belongs to such a document as this, relating to a trust-fund bequeathed to the United States, taken charge of by the United States, and which we are now administering through a Board of Re-

gents. As to the value of the information, I will express no opinion.

Mr. RHETT. I would ask my friend from Mississippi why the Smithsonian Institution itself does not print its own proceedings?

Mr. DAVIS, of Mississippi. I said, I think, that this was a report to Congress. The Smithsonian Institution does print its contributions to knowledge, and does attend to their diffusion among men. This, however, is not a contribution to human knowledge, but is a report to Congress of the manner in which the Board of Regents executed the trust confided to them.

Mr. PEARCE. I beg leave simply to add, that the law organizing the Smithsonian Institution compels the Board of Regents to make this annual report to Congress.

Mr. MASON. I move to amend the motion so as to provide that one thousand copies shall be printed for the institution.

Mr. NORRIS. Is this the report of a committee?

Mr. BORLAND. It is the report of the Board of Regents of the Smithsonian Institution; the question of printing it was referred to the Committee on Printing; the committee were in favor of the proposition, but could not make a report. It has been ordered to be printed; and the proposition now is to print three thousand extra copies.

Mr. NORRIS. Does it come from the Committee on Printing?

Mr. BORLAND. It does.

The amendment was agreed to.

PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES, *January* 7, 1850.

The Speaker appointed Mr. Henry W. Hilliard of Alabama, Mr. W. F. Colcock of South Carolina, and Mr. G. N. Fitch of Indiana, on the part of the House, as the Regents of the Smithsonian Institution.

HOUSE OF REPRESENTATIVES, *July* 23, 1850.

Mr. HILLIARD requested the gentleman from Pennsylvania (Mr. Thompson) to waive his motion for the regular order of business, so as to enable him (Mr. Hilliard) to present the annual report of the Board of Regents of the Smithsonian Institution. His object was simply to present the report, that it might be laid upon the table and printed.

Mr. THOMPSON, of Pennsylvania, insisted on the regular order of business.

The SPEAKER stated to the gentleman from Alabama, (Mr. Hilliard,) that the report could only be introduced by unanimous consent. The regular order of business was insisted upon, and objections were made in several quarters.

The report, therefore, was not presented.

HOUSE OF REPRESENTATIVES, *July* 25, 1850.

The SPEAKER laid before the House a communication from the Secretary of the Smithsonian Institution, transmitting the annual report of the Board of Regents of the Smithsonian Institution; which letter and report were laid upon the table, and ordered to be printed.

HOUSE OF REPRESENTATIVES, *December* 18, 1850.

Mr. FITCH said there was upon the Speaker's table a joint resolution from the Senate providing for the appointment of Regents for the Smithsonian Institution whose term of service had expired. He hoped the House would take up and consider the resolution, as it would occupy but a few minutes. It was absolutely necessary that it should be passed, for the reason that the Board of Regents was not full and no business could be transacted by the Board until the vacancies should have been filled. He hoped the resolution would be taken up.

There being no objection, the joint resolution was taken up, read three several times, and passed.

HOUSE OF REPRESENTATIVES, *February* 24, 1851.

Mr. THOMPSON, of Mississippi, moved the following amendment to the clause appropriating money for the purchase of books for the Library of Congress, viz:

To enable the Smithsonian Institution to publish a new edition of Wilkes' Narrative and the accompanying series of papers, the plates and engravings of which have been made at the expense of the United States, be, and they are hereby, ordered to be delivered over to the said Institution, to be used for that purpose.

He said that, as these plates were valuable and the Congress of the United States did not propose to use them, he should be glad that some use might be made of them. It appeared to him that the Smithsonian Institution was as proper a party to whom to intrust these plates for publication as any. Congress had already provided for the distribution of books published by that Institution. He (Mr. T.) did not wish that they should be published and distributed

among members; but, as it was really a valuable work, and a new edition was called for, he thought it was proper that the publication should be intrusted to the Smithsonian Institution.

Mr. WENTWORTH (interposing) said that he thought that it was quite proper that copies of the work should be distributed among members of Congress. He would, therefore, ask the gentleman from Mississippi to modify his amendment so as to furnish each member of Congress with a copy of Wilkes' Exploring Expedition. He had been a member of that body eight years, and, although he had received copies of other works, he had never received a copy of this, nor had he ever heard of other members receiving copies.

Mr. THOMPSON stated that only about one hundred copies had been published.

Mr. WENTWORTH said that he was entirely opposed to the amendment, unless modified as he had indicated.

Mr. THOMPSON wished to explain that the original resolution provided for the publication of only one hundred copies. There was a great demand for the work, and it was desirable to have copies that might be furnished to different foreign nations. There were only, he believed, twenty copies left in the Library.

Mr. WENTWORTH inquired if it had ever been distributed to members of Congress.

Mr. THOMPSON said that copies never had been distributed among members.

Mr. WENTWORTH requested the gentleman from Mississippi to modify his amendment as he had desired.

Mr. THOMPSON said that books published by the Smithsonian Institution were distributed among the various libraries, and he was willing that such a distribution should take place.

Mr. WENTWORTH again inquired if the gentleman from Mississippi would modify his amendment.

Mr. THOMPSON said that he was opposed to giving copies to members of Congress.

Mr. WENTWORTH then moved to amend Mr. Thompson's amendment by adding that a copy of the work should be furnished to each Senator, Representative, and Delegate to the present Congress.

Mr. STEVENS said that he was opposed to the amendment to the amendment. He understood that the original amendment merely contemplated giving the plates to the Smithsonian Institution for that Institution to publish them. Congress had a perfect right to do this; but he could not under-

stand by what right they could call upon the Institution to furnish a copy to each member of Congress from its own resources. If Congress intended granting an appropriation to defray the expense of the publication and distribution, as the gentleman from Illinois proposed, he would have no objection to it; but unless such an appropriation were made, he should feel himself compelled to vote against the gentleman's amendment.

The question was then taken on Mr. Wentworth's amendment, and it was not agreed to.

The question was then taken on Mr. Thompson's amendment, and it was adopted.

On the same day it was ordered that two copies of the Annals of Congress be given to the Smithsonian Institution; also, one copy of the works of Alexander Hamilton and one copy of the works of John Adams.

PROCEEDINGS IN THE SENATE.

SENATE, *April* 20, 1852.

The Senate having under consideration the Deficiency bill, and the following amendment from the Committee on Finance being in order:

"For planting and finishing the roads and walks through that portion of the public Mall surrounding the Smithsonian Institution, $7,000"—

Mr. HUNTER said: This item is estimated for by the Secretary of the Interior. It is proposed to appropriate this amount in this bill, instead of appropriating it for the next fiscal year, as this is the planting season.

The amendment was agreed to.

SENATE, *May* 27, 1852.

Mr. PEARCE, from the Committee on Finance, reported a bill supplementary to an act approved August 10, 1846, entitled "An act to establish the Smithsonian Institution," &c., which was read and passed to a second reading. The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the money now in the hands of the Regents of the Smithsonian Institution, being an accumulation of interest on the principal fund that accrued prior to July first, eighteen hundred and forty-seven, and heretofore set apart for the erection of the suitable buildings for the use of said institution, as may not be found necessary for the completion of the edifice now in course of erection, and all such further sums as may be received hereafter from the estate of James Smithson, shall be received into the Treasury of the United States on the

same terms as were provided for the original principal fund by the second section of the act entitled "An act to establish the Smithsonian Institution, for the increase and diffusion of knowledge among men," approved August tenth, eighteen hundred and forty-six, and that the interest thereon at the rate of six per centum per annum, shall in like manner be payable half-yearly, on the first of January and July in each year, from and after the date at which it shall be received into the Treasury of the United States, for the perpetual maintenance and support of said institution: *Provided*, That the sums thus to be received, shall not exceed the amount of two hundred thousand dollars.

SENATE, *August* 20, 1852.

The Vice President laid before the Senate a letter from the Secretary of the Smithsonian Institution, communicating the annual report of the Board of Regents of that institution; which was ordered to lie on the table, and be printed.

A motion of Mr. Pearce that 5,000 additional copies be printed, was referred to the Committee on Printing.

SENATE, *August* 21, 1852.

An amendment to the Civil and Diplomatic appropriation bill for the year ending June 30, 1853, was proposed by the Finance Committee, as follows:

"For finishing the grading, manuring, planting, finishing the roads and walks, graveling and laying gutters along the margin of the same, and repairing the fence of the Smithsonian square, $13,200."

SENATE, *August* 24, 1852.

Mr. PEARCE submitted the following resolution; which was agreed to:

Resolved, That the vacancy in the Board of Regents of the Smithsonian Institution, occasioned by the resignation of the Hon. Jefferson Davis, be filled by the President of the Senate.

Mr. Robert M. Charlton was appointed.

SENATE, *August* 26, 1852.

Mr. HAMLIN, from the Committee on Printing, reported in favor of printing 5,000 additional copies of the annual report of the Regents of the Smithsonian Institution, and that 2,000 copies thereof be for the use of the institution; which was agreed to.

SENATE, *August* 26, 1852.

Mr. HUNTER moved to amend the amendment offered August 21st, by striking out "$13,200," and inserting "$16,760." The amendment to the amendment was agreed to, and the amendment as amended was agreed to.

August 30.—In conference committee the Senate receded from the above.

SENATE, *August* 31, 1852.

On motion by Mr. DODGE, of Iowa, it was—

Ordered, That instead of the distribution of Owen's Report heretofore ordered, there be furnished to the General Land Office 100 copies, to the Smithsonian Institution 100 copies, and to Dr. Owen 200 copies.

SENATE, *December* 21, 1852.

Mr. PEARCE. There are two vacancies in the Board of Regents of the Smithsonian Institution, which it is very desirable and necessary should soon be filled. I therefore ask leave to introduce a joint resolution. The resolution was read a first and second time, and considered by the Senate as in Committee of the Whole; reported without amendment; read a third time and passed.

The resolution is as follows:

Resolved, &c., That the vacancies in the Board of Regents of the Smithsonian Institution, of the class "other than members of Congress," be filled by the appointment of Alexander Dallas Bache, of the city of Washington, and John McPherson Berrien, of the State of Georgia.

The resolution was approved January 13, 1853, as Public Resolution No. 6.

SENATE, *March* 1, 1853.

The PRESIDENT *pro tempore* laid before the Senate the seventh annual report of the Board of Regents of the Smithsonian Institution.

Mr. HUNTER, from the Finance Committee offered the following amendment to the Civil and Diplomatic appropriation bill, which was agreed to:

"To supply a deficiency for the purchase of trees and hire of laborers on the improvements of Reservation No. 2, on public Mall, between Seventh and Twelfth streets west, $5,276.52."

SENATE, *March* 3, 1853.

The report of the Board of Regents of the Smithsonian Institution was ordered to be printed.

PROCEEDINGS IN HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES, *January* 2, 1852.

The Speaker, in pursuance of the act of Congress, announced the names of the following gentlemen as Regents of the Smithsonian Institution: Messrs. William F. Colcock,

of South Carolina, Graham N. Fitch, of Indiana, and James Meacham, of Vermont.

HOUSE OF REPRESENTATIVES, *July* 11, 1852.

Mr. HENN, of Iowa, offered the following amendment to the bill to reduce and modify the rates of postage in the United States, &c.:

The presidents of universities, colleges, academies, and of all scientific institutions, and also the *Smithsonian Institution*, may send by mail, free of postage, the printed copies of any regular paper, pamphlet, or book published under the authority of any such institution; and also the proof sheets of such copies while the same are being published: *Provided*, Such printed copies shall be distributed gratis.

On the 12th of July the question was taken on the amendment, and it was rejected.

HOUSE OF REPRESENTATIVES, *January* 11, 1853.

Mr. MEACHAM. I ask the unanimous consent of the House to take up joint resolution of the Senate No. 64, for the appointment of Regents of the Smithsonian Institution. It will take but a moment, and it is very necessary that it should be passed.

The joint resolution was read three times, and passed.

HOUSE OF REPRESENTATIVES, *March* 3, 1853.

The House refused to agree to the amendment of the Senate to the Civil and Diplomatic bill, appropriating $5,276.52, for reservation No. 2.

The amendment having been sent to a committee of conference, the House receded from its disagreement, and the amendment was agreed to.

PROCEEDINGS IN THE SENATE.

SENATE, *February* 21, 1854.

Mr. PEARCE offered the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the vacancy in the Board of Regents of the Smithsonian Institution, occasioned by the expiration of the term of the Hon. R. M. Charlton, be filled by the President of the Senate.

The PRESIDENT appointed Hon. Stephen A. Douglas to fill the vacancy.

SENATE, *July* 22, 1854.

The Senate having under consideration the Civil and

Diplomatic Bill, the following amendments reported by the committee were read—

For the preservation of the collections of the exploring expedition.
For compensation of keepers, watchmen, and laborers, $2,980.
For contingent expenses, $100.

Mr. PRATT. If I understand that amendment, the expenditure proposed by it is an annual one for the preservation of the collections of the exploring expedition.

Mr. HUNTER. The Senator from Maryland, over the way, [Mr. Pearce,] can explain this matter.

Mr. PEARCE. These collections have been, from the time they were received in this country down to the present period, under the charge of the Library Committee, who are very anxious to get rid of that responsibility. But there are other reasons why they should be transferred to the Commissioner of Patents. They are in the Patent Office building, they are under his eye. He is the proper officer to take care of them. He takes care of other things which are connected with them.

The sum appropriated, I will remark, is rather more perhaps than has been heretofore expended by the Library Committee for that purpose; for the reason that it will be necessary to erect additional buildings, and necessary to have an additional watchman, as there is now nothing to prevent burglars from getting into so much of the building as is now going on. I believe that all the allowances are economical; and I am very sure they are below those made in other departments of the Government. If we do not appropriate this money here, we shall have to appropriate the same sum of money to be expended under the care of the Library Committee. That is the only difference. That committee is not the proper body to take charge of the matter. They are not an executive body properly.

Mr. PRATT. I called attention to the matter, because it struck me as being rather singular that there should be an annual appropriation of about $3,000, for the purpose of preserving the curiosities collected by the exploring expedition. I do not know whether they are worth to the Government this annual expense. I only desired the explanation, as it struck my mind as curious.

Mr. PEARCE. As long as we keep them, we must take care of them, and we cannot take care of them with less expenditure. These are very interesting objects. There are one hundred and twenty thousand people who visit that building annually, and it seems to me that this is a very

small expenditure to afford so much gratification to our people.

SENATE, *July* 25, 1854.

The PRESIDING OFFICER laid before the Senate a letter of the Secretary of the Smithsonian Institution, transmitting the annual report of the Board of Regents, which, on motion of Mr. Pearce, was ordered to be printed; and a motion by Mr. Rusk to print 10,000 additional copies was referred to the Committee on Printing.

SENATE, *July* 28, 1854.

Mr. JOHNSON, from the Committee on Printing, to whom was referred a motion to print additional copies of the eighth annual report of the Board of Regents of the Smithsonian Institution, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed, for the use of the Senate, ten thousand extra copies of the eighth annual report of the Regents of the Smithsonian Institution, five hundred of such copies to be given to the Secretary of the Smithsonian Institution for its use.

PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES, *December* 14, 1853.

The SPEAKER appointed Messrs. James Meacham, of Vermont, Wm. H. English, of Indiana, and David Stuart, of Michigan, Regents of the Smithsonian Institution.

HOUSE OF REPRESENTATIVES, *January* 3, 1854.

Mr. CHANDLER offered the following resolution:

Resolved, That a select committee, consisting of nine members, be appointed, and instructed to inquire into the expediency of withdrawing from the Treasury of the United States the Smithsonian fund, and investing the same in sound stocks, or in such other way as may be to the interest of said fund.

Mr. CHANDLER. This money is lying in the Treasury of the United States, and the Government has to pay for the use of it, when it is buying up its own stock at a large premium. It is, therefore, desirable to place the fund in some other situation.

Mr. JONES, of Tennessee. I desire to make one inquiry of the gentleman, and it is, whether there is any certainty that a method can be devised by which he can so invest this money in stocks, or in any other way, that, provided it

should be lost, the Government will not have to refund it? We made one investment of a portion of this fund, and had to pay the amount of the investment.

Mr. CHANDLER. Invest it in eastern stocks, and not in western.

Mr. BAYLY, of Virginia, called for the reading of the resolution, and no objection being made, it was accordingly again read.

The question was then taken on the adoption of the resolution; and there were, on a division—ayes 84; noes not counted.

So the resolution was adopted.

HOUSE OF REPRESENTATIVES, *January* 24, 1854.

Mr. UPHAM, from the Committee on the Post Office and Post Roads, reported the following bill; which was read a first and second time by its title:

"A bill granting the franking privilege to the Superintendent of the Coast Survey, and the assistant in charge of the office of said Coast Survey."

Mr. MACE. I move that the bill be so amended as to provide for the grant of the franking privilege to the Secretary of the Smithsonian Institution, in addition to the officers already named.

Mr. OLDS. The proposition contemplates the giving of the franking privilege to the Coast Survey. The Committee on the Post Office and Post Roads have permitted it to be reported to the House, from the fact that we had seen no good reason why the head of that bureau—for it is, in fact, a bureau—should not have the franking privilege as well as the heads of the other bureaus. At the same time, however, that I give my assent to the report of this resolution, I wish to say that my own opinion, and I believe that such will be the opinion of the committee, is against the franking privilege altogether; and perhaps before the session is closed we shall propose a bill abolishing it.

Mr. MACE. I think, sir, that I would myself be in favor of the abolition of the franking privilege; but if it is to exist and appertain to sundry officers of the Government, and to members of Congress, I see no case more meritorious than that of the Secretary of the Smithsonian Institution, to which that privilege could be extended. That is an institution for the diffusion of general knowledge throughout the whole country. By various acts of Congress we vote to it numerous public documents, which cannot be distributed

unless some member of Congress will volunteer to go there and frank them. Such is the practice, and I have myself, at the instance of Professor Henry, spent days there in franking public documents for that institution.

The design has been to forward to our constituents throughout the land documents for their information. The Secretary of that institution ought to have the privilege of franking them, and not be, as now, subjected to the inconvenience of calling upon the members of Congress to do that job.

A MEMBER. Who is the Secretary?

Mr. MACE. I am told that Professor Henry is the Secretary. I do not propose to elaborate this question at all. It is a simple one. If we are to extend this privilege at all, we cannot extend it to a more meritorious case than the one I have suggested.

Mr. JONES, of Tennessee. I move to refer the bill and amendment to the Committee of the Whole on the state of the Union, and that they be printed. And I will say that whatever may be the propriety of the bill as reported from the committee, I can see no justice and no propriety in the amendment proposed by the gentleman from Indiana, [Mr. Mace.]

The Smithsonian Institution is not part nor parcel of this Government. It is a separate and distinct institution, quartered, it is true, on the Treasury at the rate of thousands of dollars per annum; and it should be kept, I think, as distinct as possible. There is no reason for giving this institution the peculiar privilege of franking its documents over the country in preference to other institutions of learning in any part of the United States. And if you commence with this, where are you to stop? This is to be the entering wedge here at the seat of Government. This is first to be made the favorite institution for establishing the precedent to confer the franking privilege on all the institutions, perhaps, of the country. And I will say to the gentleman from Indiana, [Mr. Mace,] that according to my understanding and construction of the Post Office laws, the member of Congress who franks a document weighing over two ounces, published by the Smithsonian Institution, violates the privilege conferred upon him under the laws of Congress.

Mr. MACE. Will the gentleman from Tennessee allow me to explain?

Mr. JONES yielded the floor.

Mr. MACE. I will state to the gentleman that the docu-

ments franked by me for the Smithsonian Institution were printed by order of Congress; and I had the same right to frank them as I had the other public documents printed by order of Congress.

Mr. JONES. If they were ordered by Congress, or by either House of Congress, then they were public documents, and came within the law. And the gentleman from Indiana, [Mr. Mace,] and every other member had a right to frank them. But the documents printed by order of the Smithsonian Institution are not included among these privileged matters which members of Congress are authorized to frank; and, in my opinion, they should not be included. I now, Mr. Speaker, move the previous question.

Mr. WARREN. I move to lay the bill and amendment upon the table.

Mr. MACE. The gentleman from Massachusetts who reported the bill has urgently appealed to me to withdraw the amendment which I have proposed. I do now withdraw it.

There was no objection, and it was withdrawn.

HOUSE OF REPRESENTATIVES, *March* 10, 1854.

Mr. CHANDLER. I ask leave to introduce a memorial from the Smithsonian Institution, with a view of having it referred to the special committee appointed early in January. It is a memorial asking Congress to authorize the Treasury Department to receive $150,000, saved from the accrued interest, on the same terms as those on which the original bequest was received.

The memorial is as follows:

To the Honorable the Senate and House of Representatives, in Congress assembled:

GENTLEMEN: The Board of Regents of the Smithsonian Institution have directed me to transmit to your honorable body the resolution appended to this communication, and to solicit the passage of a law in accordance therewith.

It is known to your honorable body that the original sum received into the United States Treasury from the Smithsonian bequest was a little more than $515,000, and that at the time of the passage of the act incorporating the institution $242,000 had accrued in interest, which sum, or so much of it as might be deemed necessary, the Regents were authorized to appropriate to a building.

In consideration, however, of the great demands upon the institution for "the increase and diffusion of knowledge among men," the Regents, instead of immediately expending this sum on the building, have carefully husbanded it, and have extended the time of the erection of the building over several years, and have defrayed the expense in part out of the proceeds of this sum, and in part out of such portions of the income of the original fund as could be spared from the operations of the institution. The building will be completed in a few months in fire-proof materials, and in a very substantial manner, and besides the money required to pay the contractor there is now on hand $150,000 of accrued interest.

This sum the Regents ask to be allowed to place in the Treasury of the United States with the original bequest, and to add to it, from time to time, such other sums as may come into their possession by donation or otherwise until the sum thus added shall amount to $———.

The sole object of this bequest is the permanent investment and perpetual security of the accumulated fund, and when your honorable body is assured that the operations of the institution have received the approbation of the wise and good in every part of the world where literature and science are cultivated, the undersigned trusts that the request will be granted.

And your petitioner will ever pray, &c.

JOSEPH HENRY,
Secretary of Smithsonian Institution.

HOUSE OF REPRESENTATIVES, *July* 20, 1854.

Joint Resolution No. 13 approved.—One copy of the works of Thomas Jefferson to be given to the Smithsonian Institution.

HOUSE OF REPRESENTATIVES, *July* 25, 1854.

The House having under consideration as in Committee of the Whole the Navy Appropriation Bill—

Mr. HAVEN said: I offer the following amendment, not by direction of the committee, for I take it that the committee is against me:

To enable the Secretary of the Navy to pay the salary of Professor James P. Espy, for the current fiscal year, ending 30th June, 1855, $2,000; payment to be made in the same manner and under like control as former appropriations for meteorological observations.

Mr. PHELPS. I rise to a question of order on the amendment.

Mr. HAVEN. Let me state just why I think the amendment is in order. Similar appropriations are to be found in the Navy appropriation bills for the last three or four years. You will find it referred to in the report of the Secretary of the Navy, President's message and accompanying documents, page 302. On page 393 the committee will find a letter from Professor Espy, from which I will read a short extract After detailing the duties which he has performed in reference to collecting and collating meteorological observations that have been made at the military posts in the country, he uses the following language in his letter to the Secretary of the Navy:

I have already finished collating the years 1849, 1850, and 1851, with the exception of the third quarter of 1849 and the third quarter of 1851. These quarters I shall finish by the end of the present year, and if you so direct, the report for these three years can be handed in to Congress. But I respectfully suggest that a report on this subject would be greatly increased in value by even a small increase of time contained in it; and I should be pleased if you would allow the report to be withheld from Congress till its second session, at which time the year 1852 would be embodied in it.

This man has been regularly and continuously employed; and you will find, in the cases referred to, that the Secretary of the Navy has made the recommendations of which I have spoken. You will find, by referring to page 112, that this appropriation of $2,000 a year was not only made for that year, but for the year previous. In the act of the last session at page 221, you will find that the same appropriation was made, and in the precise way in which it has been made in every particular case. I now offer this amendment, because my friend from Georgia, [Mr. Stephens,] who is my colleague upon the Committee of Ways and Means, told me that he had always attended to it, and he intrusted it to my hands now. I wish to perform that trust faithfully, as it is an appropriation which I think ought to be made. It is certainly one which has been adopted as an amendment to this bill for the last half dozen years.

The CHAIRMAN. Tbe Chair would inquire whether the office was established by law?

Mr. HAVEN. Certainly; and this man is in the employment of the Government. He is now engaged in making a report.

Mr. PHELPS. I differ with the gentleman as to the fact whether the office was established by law. I admit that in two or three naval appropriation bills an amendment was passed making provision for the prosecution of meteorological surveys, but those appropriations were only made from year to year. There is no such officer provided for by law. His term of office expired the 1st of July, and there is no law providing for the continuation or further prosecution of these meteorological surveys. It is for these reasons that I raise the question of order.

Mr. HAVEN. I will not say whether I am right or wrong in reference to this matter; but I do say that for a series of years appropriations have been made from year to year for this purpose, contained precisely in the same words as my amendment. This man is in the public employment——

Mr. SMITH, of Virginia. Will the gentleman say whether the office of Mr. Espy, who used to be called the Storm King, is an office created by law?

Mr. HAVEN. The question which my friend from Virginia puts me has reference to the designation of the man that fills the office—Storm King, as he says—rather than to the employment in which he is engaged. I cannot say whether there is such an officer as the head of a bureau of meteorological surveys, but I do understand that the law has made provision for this office. I have pointed to the place where

provision is made for the office, and for paying the man who has been employed under the law to fill it.

The CHAIRMAN. If the Chair understands the facts of the case, this was a special service for which the appropriation was made; and the service and office expire with the exhaustion of the appropriation. The amendment would not, therefore, be in order under the rule established.

Mr. HAVEN. Allow me to say one thing further. When the Secretary of the Navy called the attention of the House to this matter——

[Loud cries of "Order!" "Order!"]

The CHAIRMAN. Does the gentleman appeal from the decision of the Chair?

Mr. HAVEN. I do; and I desire simply to say that ever since I have been in this House——

Mr. PHELPS. I rise to a question of order. There is an appeal pending, and no debate is in order.

Mr. STANTON. I desire to make a suggestion. This is in continuation of works which have already been commenced. These observations have been carried on for a series of years.

[Cries of "Question!" "Question!"]

The CHAIRMAN. The question is, "Shall the decision of the Chair stand as the judgment of the committee?"

The question was taken, and the decision of the Chair was not sustained; there being, on a count, only thirty-one in the affirmative.

The CHAIRMAN. The question is on the amendment submitted by the gentleman from New York, [Mr. Haven.]

Mr. STUART, of Michigan. I move to amend the amendment of the gentleman from New York, [Mr. Haven,] by increasing the appropriation one dollar.

I have moved the amendment merely for the purpose of enabling me to ask one or two questions, to which I ask the attention of the gentleman from New York. There is now an officer employed by the Smithsonian Institution whose duty it is to receive and to make all these meteorological calculations, and to report upon them. Reports are sent from all the different military stations in the country to him. He is employed at present in getting out a work upon this subject at the expense of the Smithsonian Institution. What I want to know is, whether these are the same services upon which Professor Espy is employed?

Mr. HAVEN. I can only answer the gentleman by reference to the documents. I know nothing of the computations of the Smithsonian Institution; but I doubt not the gentleman is correct in what he states.

Here is Professor Espy's letter:

IRVING HOTEL, WASHINGTON, *September* 8, 1853.

SIR: In answer to your letter of the 6th instant, requesting me to "furnish you a report of my labors, and their results, connected with the meteorological observations conducted by me, under the direction of the Navy Department, during the past year," I have to report progress as follows:

During the year, as in several former years, I have had access to all the meteorological journals kept at the various military posts by order of the Surgeon General, and to all the journals procured by the Smithsonian Institution, which are very numerous, and embrace a very wide extent of territory, which, united to the journals of my own correspondents, furnish the means, such as the world never possessed before, of generalizing the phenomena of storms, and educing laws which apply to their origin, the direction and velocity of their motion, in the United States; the direction and violence of the wind in different parts of the storm at the same time; the state of the barometer in the storm and around its borders; the causes which produce these phenomena; and the means of predicting, in all great storms of dangerous violence, their approach in time to prepare for them. How much of all this I have already done, and how much remains to be done, and with what prospect of success, you will judge by examining my previous reports to the Department.

The plan which I adopted in these reports, in collating the meteorological journals, was to exhibit to the eye, on skeleton maps of the United States, the various phenomena of the winds and rains and barometric fluctuations by appropriate symbols, so that, by a glance, it might be seen where a storm was raging, how far it extended, in what direction, and with what violence the wind blew in its borders, and beyond; how the barometer stood within and beyond its borders; and how far, and in what direction, the center of the storm had moved by the next day at the same hour. This plan I have not seen proper to change in the report now in progress for the Department.

I have already finished collating the years 1849, 1850, and 1851, with the exception of the third quarter of 1849 and the third quarter of 1851. These quarters I shall finish by the end of the present year; and, if you so direct, the report for these three years can be handed in to Congress. But I respectfully suggest that a report on this subject would be greatly increased in value by even a small increase of time contained in it; and I should be pleased if you would allow the report to be withheld from Congress till its second session, at which time the year 1851 would be embodied in it.

Whatever you direct me to do on this, shall be done to the best of my ability.

Very respectfully, your obedient servant,

JAMES P. ESPY.

Hon. J. C. DOBBIN.

These calculations are of very great service to science. They are the handmaid to the great business in which Lieutenant Maury is engaged. It seems that Professor Espy has access to the journals kept at the various military stations in the country, to all the journals received by the Smithsonian Institution, and besides that, has a very large correspondence of his own from which he deduces his facts, and reports to the Secretary of the Navy.

Mr. STUART, by unanimous consent, withdrew his amendment to the amendment.

Mr. Haven's amendment was then agreed to.

House of Representatives, *July* 31, 1854.

Mr. Jones, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in the forty-second amendment of the Senate, [July 22.]

The amendment was non-concurred in.

House of Representatives, *August* 1, 1854.

The Speaker laid before the House a communication from the Secretary of the Smithsonian Institution, transmitting the annual report of the Board of Regents.

The Speaker. The annual report does not accompany the letter of the Secretary. The Chair understands that there is but one copy. It is very voluminous, and is now in the other end of the Capitol.

Mr. English. I move that the communication and report be laid on the table, and ordered to be printed; and I move that 20,000 extra copies be printed, and that that motion be referred to the Committee on Printing. So ordered.

Mr. Jones, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in the one hundred and sixty-fifth amendment.

One hundred and sixty-fifth amendment:

Sec. --. *And be it further enacted,* That the collections of the exploring expedition, now in the Patent Office, be placed under the care and management of the Commissioner of Patents, who is hereby authorized to employ one principal keeper of said collections at an annual salary of $900, one assistant keeper at an annual salary of $750, one night watchman at an annual salary of $600, and two laborers at annual salary each of $365.

The amendment was non-concurred in.

House of Representatives, *August* 2, 1854.

Mr. Stanton, of Kentucky. I rise to a privileged question. I have a report from the Committee on Printing, which I desire to make. I believe that committee have the right to report at any time.

The Speaker. The gentleman is in order.

Mr. Stanton. I am instructed by the Committee on Printing to offer the following resolution:

Resolved, That there be printed 10,000 extra copies of the annual report of the Board of Regents of the Smithsonian Institution, including the minority report upon the distribution of the fund—7,000 copies for distribution by the members of this House and 3,000 for the use of the Institution.

Mr. Jones, of Tennessee. I move to lay that resolution upon the table.

The motion was not agreed to.

The resolution was then adopted.

HOUSE OF REPRESENTATIVES, *August* 3, 1854.

The Senate having reinserted the section that the House non-concurred in on the 1st of August, Mr. HOUSTON said:

Upon examination of that amendment, Mr. Pearce, of the Senate committee, who is a member of the Joint Committee on the Library, assured us that these officers are now kept up and paid to have charge of this collection. The object of the amendment is only to relieve the Joint Committee on the Library from their responsibility concerning the matter. There is, I believe, an increase of one messenger, besides which it will cost no more money than under the present arrangement. The committee, therefore, report in favor of the House receding from its disagreement.

PROCEEDINGS IN THE SENATE.

SENATE, *December* 7, 1854.

Mr. PEARCE, according to previous notice, asked and obtained leave to introduce a joint resolution providing for the appointment of two Regents for the Smithsonian Institution; which was read twice by unanimous consent, and considered as in Committee of the Whole.

It proposes to fill the vacancies in the Board of Regents, of the class other than members of Congress, by the reappointment of the late incumbents, Rufus Choate, of Massachusetts, and Gideon Hawley, of New York.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

SENATE, *January* 17, 1855.

The PRESIDENT. I lay before the Senate a communication from Hon. Rufus Choate, one of the Regents of the Smithsonian Institution. It will be read.

The Secretary read it, as follows:

To the Senate and House of Representatives:

I take leave to communicate to the two Houses of Congress my resignation of the office of Regent of the Smithsonian Institution.

It is due to the body which has been pleased to honor me with their trust for some years, and has recently conferred it for a new term, to say that this step is taken, not from any loss of interest in the welfare of that important establishment, but in part from the inconvenience experienced in attending the meetings, and in part, also, and more immediately, from my inability to concur or acquiesce in an interpretation of the act of Congress constituting the actual institution, and the Board of Regents, which has been

adopted, and is now about to be practically carried into administration by a majority of the board. That act, it has seemed to me, peremptorily "directs a manner" and prescribes a plan according to which it intends that the institution shall accomplish the will of the donor.

By the earlier law accepting the gift, Congress engaged to direct such a manner and to devise such a plan, and pledged the faith of the United States, that the funds should be applied according to such plan and such manner. In fulfillment of that pledge, and in the performance of its inalienable and incommunicable duty as trustee of the charity, that body, after many years of deliberation—from which it never sought to relieve itself by devolving the work upon the discretion of others—matured its plan, and established the actual institution to carry it out. Of this plan, the general features are sketched with great clearness and great completeness in the law. Without resorting for aid in its interpretation to its parliamentary history, the journals and debates, the substantial meaning seems to be palpable and unequivocal in its terms. By such aid it is rendered quite certain. A Board of Regents is created to administer it. Some discretionary powers, of course, are given to the board in regard of details, and in regard of possible surpluses of income which may remain at any given time, while the plan of Congress is being zealously and judiciously carried into effect; but these discretionary powers are given, I think, *in trust for the plan of Congress, and as auxiliary to, coöperate with, and executory of, it.* They were given for the sake of the plan, simply to enable the regents the more effectually and truly to administer that very one—not to enable them to devise and administer another of their own, unauthorized in the terms of the law, incompatible with its announced objects and its full development, not alluded to in it anywhere, and which, as the journals and the debates inform us, when presented to the House under specific propositions, was rejected.

Of this act an interpretation has now been adopted, by which, it has seemed to me, these discretionary means of carrying the will of Congress into effect are transformed into means of practically disappointing that will, and of building up an institution substantially unlike that which it intended, which supersedes and displaces it, and in effect repeals the law. Differences of opinion had existed in the board from its first meeting, in regard of the administration of the act; but they were composed by a resolution of compromise, according to which a full half of the annual income was to be eventually applied in permanence to what I deem the essential parts of the plan of Congress. That resolution of compromise is now formally rescinded, and henceforward the discretion of the regents, and not the act of Congress, is to be the rule of appropriation, and that discretion has already declared itself for another plan than what I deem the plan of Congress. It may be added that, under the same interpretation, the office and powers of secretary are fundamentally changed from those of the secretary of the law, as I read it, and are greatly enlarged.

In this interpretation, I cannot acquiesce; and with entire respect for the majority of the board, and with much kindness and regard to all its members, I am sure that my duty requires a respectful tender of resignation. I make it accordingly, and am your obedient servant,

RUFUS CHOATE.

WASHINGTON, (D. C.,) *January* 13, 1855.

MR. PEARCE. Mr. President, I desire to make a suggestion in regard to the disposition which shall be made of this paper. Before I do so, however, I ask the indulgence of the Senate while I submit a very few remarks.

The paper, sir, is one of unusual character. It purports to be a resignation by a gentleman holding a public trust

under the appointment of Congress, and assigns reasons for the resignation. The first is the inability of the party resigning to perform the duties of his trust; that is to say, to attend the meetings of the institution, without which attendance he cannot perform the duties of his trust; quite a sufficient reason, and one which, perhaps, has been of equal weight for the last seven years as now. The second reason is, his inability to concur with the majority of the Board of Regents in the interpretation which they have given to the statute establishing the institution. If the letter of resignation had terminated there, I should not have had a word to say; but it goes much further. It is, in effect, nothing more than we have seen in the public prints for the last year, though, of course, in very different language, and instigated by purposes very different from those which I hope and believe actuate the retiring regent.

It sets forth, sir, that Congress has established a plan for the conduct of this institution, has prescribed a manner in which the regents shall manage its affairs; that the act sketches with clearness and completeness the principal features of this plan; that they are quite apparent without reference to the parliamentary history of the act; that, with that, they are unmistakably clear. Then he charges that the majority of the Board of Regents, who have the misfortune to differ from the retiring regent, have subverted that plan established by Congress, have departed from the manner in which Congress prescribed that the affairs of the institution should be conducted, and diverted the application of the funds from the objects prescribed in the law, have appropriated them to objects not mentioned in the law, incompatible with the prescribed objects, and not warranted, either by the letter or spirit of any of its provisions; that thus the Board of Regents have substituted their will for the will of the National Legislature, and have, in effect, repealed the act of Congress.

Sir, these are very grave charges. I happen to be one of those who have been thus contumacious, who have thus endeavored to subvert the will of the National Legislature, and to repeal the act of Congress, for the faithful execution of which I had pledged everything which a man of honor could pledge, by the acceptance of the trust. Sir, I cannot but feel sensibly the reproach conveyed in this letter, and I feel it not only sensibly, but with something of indignation. I have one consolation, however. I do not stand alone in the interpretation which I have given to this act. I am consoled for differing from the brilliant parliamentary and

forensic orator who is the author of this letter, by reflecting that I am sustained in my opinion by men of such weight of character as cannot well be exceeded in this country. Let me mention a few of them. In the first place, I will mention him who holds the first rank as a jurist in the United States; first, unquestionably, in position, and, as I believe, not surpassed either in the variety and extent of his legal learning, the vigor and acuteness of his logical faculties, or the purity of his professional and private life, by any man in this country, or elsewhere—I mean Chief Justice Taney, with whom I consider it to be exceedingly fortunate that I concur in opinion on this question.

Next, sir, I may be allowed to mention a gentleman from Georgia, a member of General Jackson's Cabinet, his first Attorney General, for many years a distinguished ornament of this body, and now, in spite of years somewhat advancing, retaining all the vigor of those physical and intellectual faculties which made Mr. Wirt characterize him, thirty years ago, as a man of splendid ability, and who at this time maintains, as he has done for thirty years, a proud position in the front ranks of his noble profession—I mean Mr. Berrien, of Georgia.

Then, sir, I may mention a gentleman who was also once an Attorney General of the United States, Secretary of the Treasury, and Minister to England and to France, himself more intimately connected with this institution than any other person whom I know, having been the agent appointed by the Government of the United States to proceed to London and prosecute the suit in chancery, upon which the determination of this fund depended; a gentleman of ample ability, of high cultivation, and mature experience—I mean Mr. Richard Rush, of Pennsylvania.

I shall not, in his presence, bestow any eulogium upon my friend, the honorable Senator from Virginia, [Mr. Mason,] who is one of those who have concurred with me. But even in his presence I may say this much: that for many years—more perhaps than he would be glad to acknowledge—he has been engaged in a large and successful practice, and in the higher walks of his profession; and that this furnishes some small reason to infer that he is quite competent to construe an act of Congress.

Of the other members of the Board of Regents who concur with me, I need not make mention further than to say that, though not legal men, they are all men of great eminence in this country, and their eminence has been recog-

nized in the high public positions which they have occupied and still occupy and adorn.

As I have said before, sir, this is some small consolation to me for venturing to differ from Mr. Choate, who so unqualifiedly condemns all those who oppose him. There is something rather peremptory, I think, in the manner in which he announces his opinion in regard to the construction and violation of this law. I do not find it qualified by the expression of the possibility of any misconstruction on his part, by the admission that intelligent and honorable men might well differ in regard to that construction. Far be it from me, sir, to impute to those who differ from me any want of intelligence and sincerity. The Senator who sits beside me [Mr. Douglas] is one who differed from me in the board; but nothing has ever occurred because of that difference to diminish the respect which I entertain for himself, his talents, and abilities.

Well, now, let us see, for a moment, what are those requirements of the law, which, in the opinion of Mr. Choate, the regents have neglected or violated. The act organizing the Smithsonian Institution has prescribed certain definite objects, due attention to which the regents undoubtedly are bound, in good faith, to pay. It has required us to erect a building, such as was described in the act—a building upon a large and liberal scale—sufficient for the reception and arrangement, upon that scale, of collections of natural history, including a geological and mineralogical cabinet, a museum, library, chemical laboratory, a gallery of art, and lecture rooms. These are all the objects specified in the act.

There is another clause in the law which authorizes the Board of Regents to apply such funds of the institution as are not specifically appropriated by the act, or required for the purposes mentioned in it, to such other purposes as they may deem best suited to carry out the purposes indicated in the will of Mr. Smithson, the founder of the institution. That is the clause to which, I presume, Mr. Choate refers, when he says there are some discretionary powers which he seems to think very insignificant, and which are given to the regents, in his opinion, only to enable them to carry out the details of the plan prescribed by the act of Congress, or, as merely subsidiary to the general authority which Congress had bestowed upon the regents in regard to the library, museum, and gallery of art.

But, sir, while Congress has thus prescribed, generally, the features which they chose to give to this institution, I

apprehend it will be found, on an examination of the instrument, that the discretionary powers conferred upon the regents are far larger than those ascribed by the retiring regent. The Board of Regents have recognized fully and constantly the obligation upon them of every requisition contained in that law, and I think they have faithfully fulfilled those requisitions. They have erected the building required by law; they have designed and completed it upon a large and liberal scale. They have made provision for the collection and arrangement of objects of natural history. They have made appropriations for a library, and have made a beginning with a gallery of art. They have established a chemical laboratory, which is one of the objects enjoined in the act; and they have provided lecture rooms, specified in the law. They have not appropriated a very large portion of the funds of the institution for the library, though, in this respect, the amount applied has been far greater than is generally supposed; and that is, after all, the real gist of the controversy.

It is singular, that, in the act of Congress there is a limitation upon the appropriations for a library, and no limit to the appropriations which may be made for any other of the designated objects. The limitation in the library expenditure was rather inappropriately added to one of the sections of the bill, to which it was not germane. It forbids the application of more than $25,000 per annum to that purpose; but the act does not, anywhere, require the regents to expend annually that amount. It establishes no minimum below which they shall not fall in their appropriations; but it simply establishes a maximum, beyond which they shall not go. That has been done by Congress, in regard to the library, but in regard to no other object of expenditure. Well, sir, the regents, in their discretion, have not thought it necessary or expedient to expend the whole amount of the sum to which they were limited by that provision of the act, and hence, I think, all the difficulties in regard to this matter. They could not understand the words "not exceeding $25,000," to mean not less than $25,000, or to mean nearly $25,000, or to signify anything else than that such was the utmost limit of expenditure authorized by the act for this purpose. The words necessarily imply that the regents might expend less than that sum, and the question, how much less, was one purely for their discretion.

The regents supposed that, when the act of Congress made it their imperative duty to provide a suitable building, with

proper and necessary lecture rooms, Congress did not mean those lecture rooms to be empty and voiceless. They supposed that the lecture rooms could only be used by employing lecturers, and causing lectures to be delivered. They thought that a necessary and irresistible inference. They did not suppose that this was any strained construction—any forced implication; but that it followed as necessarily as light follows the rising of the sun. As the provision for lecture rooms was mandatory, there was not even a discretion as to lectures. They were a matter of course, and the regents would have been justly censurable if they had failed to adopt this necessary means of giving utility to the lecture rooms.

Congress further made it the imperative duty of the regents to establish a chemical laboratory. For what purpose? Why, I presume for physical researches. If not for that, then for no purpose. It was idle and nugatory in Congress to require the Regents of the Smithsonian Institution to establish a chemical laboratory, if they were to make no researches. For the purpose of illustration of lectures, a little apparatus would have been all-sufficient. The regents have felt themselves bound to encourage researches, and have considered that they were authorized not only to direct researches in physical science, but to publish them; for this institution, we must remember, is "for the increase and diffusion of knowledge among men;" and if we are bound to have a chemical laboratory, and if we are as necessarily bound to cause researches to be made, I would ask, of what use are the researches? How shall we increase and diffuse knowledge of them among men if we seal them up, and do not publish them to the world? As the collections of natural history would be nothing more than a show, if we were satisfied with merely placing and arranging them in a museum, we think that they should be described. They can best be made available for the increase and diffusion of knowledge by causing them to be described by scientific men in memoirs, such as are published by the institution. We have thought, then, that publication was as necessary a result, from the express powers of the grant, as any other duty which the regents had to perform.

We did not think that the sole limit of our power. We did suppose that, under the large discretion given in the ninth section of the act, it was the regents who were to consider how much of the funds of the institution were properly to be applied to the objects specified by the act. Since Congress itself has not told us how to apportion the funds

of the institution among those objects, it followed, therefore, that the regents must have a discretion in that regard, and if they have a discretion, where is the limit? Nowhere, except that we may not expend more than $25,000 on the library in any one year. Then we supposed the general provisions of that ninth section, which gave us the right to apply the funds, not wanted for the other objects, in such manner as we might think most conducive to the purposes of Smithson's will, was ample enough to justify us in instituting researches, and making publication of the results.

Here is the section in question :

SEC. 9. *And be it further enacted*, That of any other moneys which have accrued, or shall hereafter accrue, as interest upon the said Smithsonian fund, not herein appropriated, or not required for the purposes herein provided, the said managers are hereby authorized to make such disposal as they shall deem best suited for the promotion of the purpose of the testator, anything herein contained to the contrary notwithstanding.

It does not confine the discretion of the regents to the details necessary in carrying out the specified objects, but extends it to other objects, being such as they shall deem best suited for the promotion of the purpose of the testator; that is, the increase and diffusion of knowledge among men. So that it is not, as Mr. Choate supposes, merely a trust for the designated objects, but for such other purposes as correspond with the intention of the will, anything else contained in the act to the contrary notwithstanding. Under the authority of this section, we have thought proper to stimulate researches not prosecuted within the walls of the building, nor confined to specimens of natural history deposited in its collections. They are described in the plan of organization, and include historical, ethnological, and statistical inquiries, meteorological observations for solving the problem of American storms, and experimental problems in electricity, light, &c., &c. To this may be added the publication of reports on the new discoveries of science, of a character highly useful and practical.

It has been supposed, sir, that the true interpretation of this act could be found by going outside of the law. Mr. Choate has intimated, in his letter, that if we look at its parliamentary history we shall see what is its true interpretation. I understand to what he refers. The original bill was introduced into the House of Representatives; a substitute was offered for the bill reported by the committee; that substitute was amended by striking out some of its provisions and inserting one or two others, which do not affect this question. The intimation is, that, if we look to the proceedings of the House of Representatives, (not of the

Senate, because in the Senate there was no discussion of the bill, and the amendments offered and rejected do not furnish evidence of the construction given to it by that body,) we shall find that such amendments were made as are inconsistent with the construction which the regents now give to the act. Principally they were two. There was a specific provision requiring professors and lecturers to be employed. That was stricken out. Very true; but then there was left in the bill the provision for lecture rooms, which I think I have shown, imperatively required that there should be lectures, and, of course, authorized the employment of persons to lecture.

Then there was a provision in regard to researches and publications; that was stricken out, too; but, I think, I have shown that the duty of the regents was to institute researches and make publications under the law as it stands. And when we look at the circumstances attending the striking out of those provisions, we find this to be the fact. The provision in regard to researches and publications authorized Congress to call upon the regents at any time to cause those publications to be printed and supplied to members of Congress, to be distributed as public documents. Now, it may very well have been that those who voted to strike out this provision were induced to do so by the single item of it which I have just mentioned, or they may have thought these provisions superfluous, being well supplied by the large discretionary powers given in the ninth section which I have quoted. It is, however, neither according to legal rules nor right reason to look to the speeches and proceedings of the legislature for the construction of a statute which is itself the embodiment of the legislative will, and furnishes copious sources of construction by the examination and comparison of its various provisions and the admitted purpose of its enactment. Certain it is that the striking out of those specific provisions cannot invalidate the general grants of power, and the necessary implications from those grants, which I have mentioned.

Now, we have a library of fifteen thousand volumes, for the most part composed of the most valuable works pertaining to all branches of human knowledge, besides ten thousand parts of volumes and pamphlets. Their literary and scientific value is to weighed, not counted. The money value of our library is estimated by the officers of the institution at $40,000. We have a museum, the money value of which is estimated at $30,000. We have apparatus valued at $10,000.

This is what the regents have done in direct pursuance of the objects prescribed by Congress; and the other things which they have done—the publications they have made—they suppose not to be incompatible with the expressed objects of an institution "for the increase and diffusion of knowledge among men," not to be violative of the letter or spirit of the law, but to be wholly consistent and in harmony with it, and auxiliary to the objects which are provided for in the law. The publications not only diffuse knowledge among men, but they bring back to us, in liberal abundance, the transactions and publications of learned societies in other countries, and thus furnish us with valuable works pertaining to all branches of knowledge, many of which are not to be purchased with money, and enable us to carry out one requirement of the law—the GRADUAL formation of a library.

In regard to the resolutions of compromise, to which Mr. Choate has referred, the repeal of which is the great ground of complaint, here allow me to say—for I will not consent to detain the Senate much longer—those resolutions were passed at the organization of the institution. They proposed an equal, or nearly equal, division of the funds of the institution between the objects specified in the law, and the auxiliary objects which we are justified by the letter and the spirit of the law, as I think I have shown, in pursuing. Well, sir, it occurred to the regents recently—for some time past it has been a matter of consultation among them—that it would be well to repeal those resolutions of compromise; that there was no propriety in the Board of Regents, at the commencement of the organization of the institution, tying their own hands, and those of their successors, so as to compel a particular scale of appropriation throughout all time. It has been supposed to be right to leave them unfettered, so that they may annually make appropriations such as are, in their judgment, according to the intrinsic importance of the objects appropriated for, and in fulfillment in good faith of the purposes of the law, for that we have never lost sight of. Now let me read to the Senate one of the resolutions adopted by the board, which are the cause of Mr. Choate's resignation. One repeals the compromise resolutions which I have mentioned. The other is in these words:

Resolved, That hereafter the annual appropriations shall be apportioned specifically among the different objects and operations of the institution, in such manner as may, in the judgment of the regents, be necessary and proper for each, according to its intrinsic importance, and a compliance in good faith with the law.

That is the resolution which is considered as subverting

the plan established by Congress, as repealing, in effect, the act of Congress, and setting up the will of the regents in place of the will of the National Legislature!

Something is said in the letter about the greatly augmented powers of the secretary of the institution. I know of no augmentation of the power of the secretary. A question has arisen as to his right to discharge one of his assistants. The board had determined that he has a right to discharge any of his assistants without a reference to the board. They, however, have a controlling authority over the whole subject; and if the secretary should abuse his power in that respect, they would remove him, as they can at any time remove all or any of his assistants, or the secretary himself. I may add, sir, that the secretary of the institution is a gentleman, as well as widely known to the world of science; a profound philosophic scholar, and a man of pure and stainless life.

Mr. President, considering the form in which this matter has been brought before us—as a solemn appeal from a retiring member of the Board of Regents to the Senate, and to the public—it has seemed to me that it would be proper that the Senate should investigate the subject. It has occurred to me that it would be proper to appoint a special committee for that purpose. I make the suggestion, but I do not submit any motion. If I were to submit such a motion, according to parliamentary usage, I should be put on the committee as chairman—a position which I could by no means think of accepting. It would, I think, be neither delicate, nor in any respect proper, that a member of the Board of Regents should sit in judgment on his own cause, and over his fellows from whom he has differed. I throw out the suggestion, however, with the hope that some Senator will submit the proper resolution.

Mr. Mason. Mr. President, I regret that the learned and distinguished gentleman who has declined further service in this public trust, should have accompanied his resignation by a communication of the character which has been commented on by the honorable Senator from Maryland. I regret it because it is impossible that such a communication should be allowed to pass in silence when addressed to the Senate, where are found some of those who have been associated in that trust with the writer of the letter. I regret it, because it is unpleasant and ungrateful to speak of the opinions or conduct of those who are absent; but I feel at liberty to do so on the present occasion, because the gentleman

who has written this letter has chosen to challenge opinion here.

Now, sir, what has been done? A regent of the Smithsonian Institution, who has been connected with it, I believe, from the foundation of the institution, occasionally as a member of this body, chosen a regent by the vote of the Senate, and occasionally as a citizen at large, clothed with the high honor (for it is a very high honor) of an administrator of this trust, has declined further service; and has assigned, as one of the reasons, and as this paper alleges the dominant reason for declining it, that he does not agree with his associates in their mode of administration. I do not feel at liberty to say that such a course of conduct would not be expected of one so honored, because the gentleman who wrote the letter is absent; but I should say that, according to my ideas of what is due to the trust, if he believed there was mal-administration, it was the very last occasion when he should have resigned; he should have remained there in order that the inquiry which he has provoked might be conducted in his presence, and, to some extent, under his guidance.

But, sir, he has resigned the trust, and, in doing so, he has shot a Parthian arrow at those who were associated with him. What is the character of his letter? None can read without being struck with its tone, which was so justly animadverted upon by my co-regent, the honorable Senator who has just addressed you. I have been accustomed, Mr. President, to find, in that profession to which I belong, and of which I am a very humble member, that, whether at the bar or on the bench, the surest, the soundest, and the ablest intellect, gives its judgment with diffidence, courtesy, and respect for the opinions of others. I have generally found, too, in my experience of the world, that the soundest judgment is the judgment which is accompanied by such diffidence. Now, what is the tone of this communication? The confident tone of Sir Oracle—of one whose judgment cannot be impugned, and should not be questioned. "*I* cannot be wrong," says the writer of this paper, in substance, "let others vindicate their judgment if they can." That is what he says, and he has assigned, as the startling reason for resigning this trust, that he differed from his associates in the construction of an act of Congress; there is no impropriety even hinted in the conduct of his associate regents; but he rests it exclusively on the ground that they have misinterpreted the law which created the trust, and there

is no appeal from the decision of the learned gentleman who pronounces the judgment. *That* is infallible.

Sir, I have known instances—others, more experienced than I am, have known of more—where the judgment is found darkened in the flashes of a brilliant mind; a mere rhetorician should never aspire to the judgment seat. I would appeal to the experience of the world to say, whether there is not an infirmity attendant upon such minds, which never admit that they may be wrong. The calm, sedate, deliberate, slow, and cautious mind, brings you to a correct conclusion; and when attained, submits it with deference and respect to those who are to pass upon it. Confidence, that confidence which precludes doubt, does not belong to those who are capable of pronouncing judgment.

Mr. President, I shall not go over the ground so lucidly occupied by the very able gentleman who preceded me, with whom I have been associated in this trust. It is a pure, a high, and honorable trust, one conceived by a noble mind—the late James Smithson. He pursued science as the great mistress of his affections; he pursued it to his grave; and he left behind him this legacy. To whom? He had the world to choose from. He was an Englishman. He had never been upon this continent. He possessed a large fortune. The high benevolence of his nature determined him, when he left the world, to devote that fortune, in the hands of others, to the pursuit of science, when the world closed upon him. As I have said, he had the world to choose from, and he signalized this country and its institutions by his choice. He left his fortune to the UNITED STATES, in trust for the establishment of an institution at Washington, "for the increase and diffusion of knowledge." Where? In Washington? In the United States? Upon this continent, broad as it is? No; "AMONGST MEN" is the language of the trust.

If I am capable of reading the signs of the times, there are those, of whom we have plenty, Heaven knows, around us everywhere, who look upon a public fund, no matter to what object it has been devoted, or how small the trust, as a thing to be scrambled for, and appropriated by the first needy or lucky adventurer. For the last twelve months the newspapers have been full of intimations, coming, generally, from the northern and eastern sections of the country, throwing suspicion and doubt upon the management of this trust, intimating that it has been perverted from its original purpose; in substance, that it was in improper hands, and should be taken from them; invoking, in some insidious

manner, the action of Congress upon the subject; and all for what? To get hold of the fund. What use was to be made of it after it was thus obtained, those best know who join in the pursuit. Let me be understood. I ascribe no such motive to the very learned and distinguished writer of the letter before us. I have the honor only of a very formal acquaintance with him; but I know his history and his character, and that assures me he can never lend himself to any unworthy purpose; but yet I have strong reason to believe that, if the objects which he seems to have in view, could be obtained, this pure and simple trust, which has been accepted by the American people, would be debased into a mere pecuniary job.

Sir, the letter of Mr. Choate, unfortunately, brings back into the Halls of Congress the great controversy which attended this fund when it was first brought into the country. There was a great struggle for it among the men of science, in the mechanic arts, and in other of the useful and honorable pursuits of life. The parliamentary history to which the writer has referred in the letter shows it. There were those who believed that this fund should be devoted exclusively to a library, to a great collection of books—books in every department of science, of art, and belles lettres. The writer of this letter shows that he was one of those who desired so to devote it; to a library—a library, to the exclusion of everything else—a collection of books. I am free to believe, and declare, that I entertain no doubt this learned and distinguished gentleman believed that the best mode of increasing knowledge, as well as diffusing it amongst men, was to establish a library. But suppose it were done. There is an annual revenue derived from the Smithsonian fund of some $30,000 or $40,000. So much is to be devoted, *in perpetua*, I suppose, to the purchase of books, which are to be stored here on shelves, in the city of Washington; and who is to read them? Why, sir, the members of Congress have little time to read the books which accumulate here in the public library. The citizens of Washington form a very small portion of the people of these United States; and thus this great trust, which was intended for MANKIND, would be limited to the walls of Washington.

There is another great objection to it. Books are derived from booksellers. Booksellers are connected with bookmakers, and bookmakers and booksellers, with that hungry legion, who all live, and of whom some grow rich, on the spoils of genius and industry. Then there are the paper-makers, and the book printers, and publishers, and the

stereotypists, all, all, would be hovering around this fund, to say nothing of factorage, commission, foreign travel to pick up rare works, and the ten thousand jobs that follow in such a train, where money is to be spent by law in large, annual, stated sums to buy books; and at last what would you have done? Why, you would have taken this great, noble beneficent donation to mankind, and converted it into a fruitful job for every race of needy and artful adventurers.

Sir, if a library is to be established at Washington for public use, vote the money from the Treasury. Smithson did not intrust this fund to you for such a purpose, or he would have said so in his will; and he has not said it.

I have said that it is unfortunate that this matter should again be brought before the Senate. The battle was fought here for years. That parliamentary history to which the writer of the letter has had reference shows it. He claims that, under the true interpretation of the act of Congress, the library scheme prevailed. A majority of those who have been associated with him in the Board of Regents have decided otherwise. They understand the law to mean that discretion is vested in the Board of Regents to build up a library in this great institution, in such manner, and at such time, as they shall find most conducive to the great objects of the trust. That is all. Sir, this battle should not be fought over again. I trust we shall not present to the European world, whence this fund is derived, the spectacle that, at this early day, when the streams of light and knowledge which, I hope, are to flow from this institution, have hardly yet made their appearance, that we are scrambling indecently over the cradle of the trust.

I have said, Mr. President, that this is a pure trust. There is, fortunately, no emolument of any kind attendant upon its administration. I have been, for some years, honored by the Senate of the United States as one of the managers of that trust. I conceive it to be a very high honor. It is because of the duty which I owe to the trust thus committed to me that I detain the Senate for a few moments.

I perceive that the subject has been taken up in the other House, at the instance of one of the regents, [Mr. Meacham,] an honorable member there, who, as the journals have been published, it is now fair to say, voted with the writer of this letter. On his motion, a committee has been raised, which is, perhaps, proper enough; but I must say, with very great respect for that body, that the committee has been vested with very extraordinary power for such an inquiry—the power "to send for persons and papers."

This would seem to convey an imputation that the body of gentlemen who are charged with the administration may require a police officer or a messenger from this Capitol to get from them papers or other evidence. I regret it, sir; but straws show how the wind blows, and this strange and exigent demand of power for the committee has its own meaning, which time may disclose.

I am indisposed, sir, to commit myself, as to any present disposition of this paper, and I submit, therefore, to the Honorable Senator from Maryland that, for the present, it would be better to allow it to lie on the table until it can be considered by the Senate what disposition should be made of it.

Mr. PEARCE. I beg leave to say, in regard to the suggestion of the honorable Senator from Virginia, that I remain of opinion that this paper should be referred to a select committee of this body. I do not think that the fact that it is the subject of investigation by a committee of the House of Representatives, should operate to prevent us from committing it to a committee of our own body. I have no doubt that House took such action as seemed to them to be proper; but I submit, with due respect to the House of Representatives, that, no matter what may be the action of that House, it is for the Senate to act independently. However, I make no motion for reference to a select committee, because I am a member of the Board of Regents, and I do not wish to sit in judgment on my own cause, or over my fellow regents.

Mr. DOUGLAS. I regret, Mr. President, that there should have been a necessity, in the estimation of any gentleman, to bring the affairs and management of the Smithsonian Institution before Congress for its action. As has been stated by the honorable Senator from Maryland, in terms kind and respectful, I am one of those who had the misfortune to differ from a majority on the decision of the various questions referred to in this paper. I do not read the letter of Mr. Choate in the same sense with my colleagues who represent the Senate in that institution, [Messrs. Pearce and Mason,] in regard to its spirit. I am unable to perceive that there is anything disrespectful or unkind, either in the terms of the letter, or in the mode in which he has expressed his ideas. I have listened to that gentleman, in the discussion before the Board of Regents, with admiration for his ability and his eloquence, and with equal admiration for that high courtesy which characterized everything that he said and did. Although there is a firmness and a direct-

ness in which he has expressed his opinions in the letter of resignation, I am unable to perceive that there is either an arrogance or anything else which ought to be considered disrespectful. After expressing his opinions, and stating the construction of a majority of the board he says:

"In this interpretation I cannot acquiesce; and with entire respect for the majority of the board, and with much kindness and regard to all its members, I am sure that my duty requires a respectful tender of my resignation."

In other places, in expressing his opinion, he says, "the law, it seems to me, is so and so." I think there is a respect and kindness running through the whole letter which should characterize one gentleman of high attainments and bearing towards another who is his equal, accompanied, however, with the firm conviction, on his part, that the law has not been interpreted in that sense in which it should have been according to its terms.

I confess, sir, that I concur fully in that firm conviction of his, and I do not hesitate to express it boldly and plainly; and yet I am incapable of entering an unkind feeling, or giving expression to an unkind inuendo, or of entertaining for a moment a doubt but that each and every regent has acted conscientiously according to his sense of duty. It is a case where there is a diversity of opinion; where each gentleman intrusted with the exercise of discretion, where discretion was necessary, and interpretation where interpretation was necessary, has performed his duty conscientiously as he read it in the law. Still, I must say that my interpretation of that law is different from that of the honorable Senator from Virginia, and the honorable Senator from Maryland, and of a majority of the regents. It is also true that the gentleman whose great name and many public services, and private and public virtues, have been so well portrayed by the Senator from Maryland, concurred with the majority, and to that extent the weight of authority is cast in the scale against the side which I embraced. I do not wish to detract one iota from the high eulogium which the Senator has pronounced on those gentlemen. With all respect for them, and for their opinions, I must take the law itself as my rule of guidance while performing a trust imposed on me.

It may be that my mind is somewhat biased by the proceedings, discussion, and action in the House of Representatives when this institution was established. I, at that time, participated, to some extent, although in a small degree, in the proceedings which took place in regard to the creation

of the institution. I at no time allowed my feelings to become enlisted, much less excited, on the subject. But when all the various plans were presented there for the organization of the institution, and especially the library plan, as a principal feature, not an exclusive one, in antagonism to a plan that the library should be a subordinate feature, or that there should be no library at all, it is my firm conviction that Congress, by its action, did sanction the policy of a library as a principal, but not an exclusive, feature in the institution. In other words, the plan proposed by Mr. Marsh, of Vermont, in opposition to that of Mr. Hough, of New York, did prevail, and the main features of Mr. Marsh's plan tended to the establishment of a library. The library plan, as it was called, having prevailed, there was a limitation on the amount of funds to be devoted to that plan, inserted in the law, which was, that out of the $30,000 of income of the institution, not exceeding $25,000 should be appropriated to the library.

I do not hold that the regents are compelled to appropriate to a library the sum of $25,000 each year, but I do hold that the law in its terms, when carefully examined, contemplates the library as a prominent object in the institution, and that at least a majority of the funds should be expended in the building up of the library. That is my interpretation. I am aware that when the institution was first organized, these same diversities of opinion arose, and a compromise was effected, by which it was agreed that the funds should be equally divided. When I came into the institution, a few months ago, as one of its regents, I was willing to abide by that compromise. I could not have agreed to it originally, because I think the fair interpretation of the law contemplated that the larger portion of the fund should be applied to the establishment of a library; but, as they made an equal division, I was willing to acquiesce in it, in order to avoid the appeal which is now made to Congress and to the country, and thus perhaps endanger, to some extent, the reputation of the institution.

I expressed these opinions to my brother regents freely; but, I trust, with proper respect. I differed from their opinion. Such was, such is, my conviction. I did not deem it my duty to resign because I was overruled. I was willing to acquiesce in the decision, because I had not the power, according to the law, to override it; and because every other regent had the same right which I had to express and entertain his opinion. Yet, sir, when the question arises, no matter how often it may arise, whether that

interpretation of the law, which has been given by the board, be a correct one, until I change my opinion, or until Congress shall modify the law, I must adhere to my original convictions.

I regret, sir, that there should be the slightest feeling displayed in this discussion. Really, a charitable fund for such high and noble purposes, ought to be administered in a spirit of kindness and charity. I cannot accede, therefore, to any intimation that those who act with me, or those who do not concur in the interpretation which has been given to the law, are actuated by any but the highest and purest motives.

Mr. MASON. Does the Senator understand that anything fell from me to question the motives of the gentlemen who differed from us in that matter?

Mr. DOUGLAS. I do understand that the Senator from Virginia supposed it to be prompted by improper motives to get possession of the fund, on the part of some persons.

Mr. MASON. I thought I was understood. I said that, unless I misconstrued the signs of the times, this great and eager anxiety out of doors, manifested by popular and inflammatory addresses through the public press, showed that there was an earnest design outside to get hold of the fund. I never expressed, for I certainly never entertained, a doubt that honorable gentlemen who differed with me in our judgment as to the construction of the statute, were actuated by as stern a sense of duty as I was. I have always so expressed it.

Mr. DOUGLAS. Mr. President. Then I understand the Senator as not impugning the action or motives of any of the regents with whom he has been associated; but I must say that I have not seen anything to leave an impression on my mind that whatever action was prompted out of doors, meant to get possession of this fund, or to squander it, or to apply it to any improper purposes. On the contrary, I believe it arises from that same feeling which has been evinced in the differences of opinion which have existed from the time the institution was first proposed to be organized up to this day, as to what was the true application of the fund. Those who supposed that their opinions had received the sanction of Congress in the organic law of the institution, now think that that object has been defeated by a wrong construction given to that organic law. It is a firm conviction, as I believe, on their part, that the law has not been carried out according to its terms. It certainly has not been according to their understanding of its terms. I

believe that there is no portion of our community, certainly there are no persons entitled to notice, who would wish to pervert this fund to any other object than that to which it was dedicated by Smithson's will. I believe the persons to whom the Senator referred are stimulated by the purest motives to carry out that object, under the conviction that the mode in which the trust is now being administered is neither in accordance with the will nor of the law. It is a difference of opinion—a difference of opinion sincerely entertained—and one which we should, therefore, meet with the spirit of firmness, of candor, and of kindness.

I regret that the discussion has arisen, rendering it necessary to go into an argument to show which is right, and which wrong, in the construction of the act. In fact, sir, I believe I will not allow myself to be drawn into an argument on that question. If this matter is to be referred to a committee, certainly any discussion of that question would be more appropriate after a report of the committee. I shall, therefore, content myself with saying that my firm conviction is, that the only difference which has arisen in the management of the institution is a difference on two points; first, as to what direction this fund ought to take; secondly, the belief that a direction has been given to it, which is not authorized by the law creating the institution. I am under the impression that some regents have voted in the minority on this question, not because they believe the original plan adopted by Congress was the best, but because they felt themselves compelled, under the law as it stood, to vote as they did.

Mr. Badger. Mr. President, I do not exactly agree in the suggestion thrown out by my friend from Maryland, that it is necessary that the letter which is before the Senate, should become the subject of investigation by a committee of this body; but I shall, notwithstanding, readily yield my own notions upon that subject to the wish he has expressed. Allow me, however, to present very briefly the views which have struck me on this occasion.

The very eminent and distinguished gentleman who has sent in this letter of resignation, has assigned two reasons why he retires from assisting in the management of this trust fund. One is, that he cannot give the time necessary to attend the meetings of the Board of Regents. As has been said by my friend from Maryland, this is a full, ample, and perfect reason, not only why he is excusable for retiring, but why it is his bounden duty to retire; for, while he holds a place there the public has a right to expect him to give

the necessary time to discharge its duties. So soon as he ascertains that he cannot, consistently with his other engagements, give that time, he is bound to retire and to give way to some other gentleman who may have both the inclination and the power to render the service which the country expects from a member of that board.

I wish, very sincerely, Mr. President, that the letter of resignation had there closed, because I, for one, am unable to give any appropriate character to the residue of the letter. It must be viewed in one of three aspects; either as an appeal to Congress from the judicial decision which has been pronounced by the Board of Regents upon the interpretation of that act; or as an appeal to Congress against the malversation of a certain class of public officers, to the extent that their misconduct may be exposed and that some steps may be taken, either for their punishment or removal; or else as an intimation that the distinguished gentleman who writes this letter thinks that there should be some amendment of the law by the intervention of the legislative power of the two Houses of Congress.

In regard to the first view, I cannot myself understand how this body, or the other House of Congress, is to exercise a judicial supervision upon the question of the interpretation of this law. It is our business to make laws; it is the business of other officers and classes of persons to expound and execute those laws. In a strict judicial sense, we cannot exercise any jurisdiction or supervision over the judgment which may be so pronounced; and, therefore, considering the letter in that respect, it seems to me totally inappropriate to any functions which either this or the other House of Congress can legitimately exercise.

If it be considered as a letter intended to communicate to the two Houses of Congress malversation in the conduct of these public officers, however proper that application may be to the other House, it is plainly out of place here. The other House, from what we learn of their published proceedings, seems to have taken the subject up in that idea—that this is an imputation by the writer of the letter that a gross abuse has been practised by the majority of the Board of Regents in the administration of this fund; and they have accordingly raised a committee, referred the letter to the committee, and vested them with the power of sending for persons and papers—a power appropriate to the investigation, if the object be what I have just said, but utterly inappropriate and absurd supposing it to be a mere question of legislative inquiry with a view to found legislative action

thereupon. If it is a question of the interpretation of a law, do you want to send for persons and papers to enable you to interpret a law? What papers will you send for to enable the committee of the House of Representatives to ascertain what is the meaning of this law? Do you want the statute? Surely the committee can get that without having power to send for papers. Do you want the proceedings which took place at the time when this law was enacted, the parliamentary history of it? Surely that can be obtained without a power in the committee to send for papers or for persons. But if you suppose the investigation is pursued for the purpose of ferreting out a delinquency, an abuse, a malversation, then that part of the resolution becomes all appropriate, and the object is to drag up witnesses and compel them to testify to the conduct of the perpetrators in this stupendous fraud, not only on the law of the country, but on the noble charity which they are appointed to administer. If that be the aspect in which this subject is taken up, we have nothing to do with it; we should not commit ourselves in advance upon it; for, suppose the proceedings of the House of Representatives should result in preferring articles of impeachment, for example, against the Chief Justice, it would be very indelicate and improper for us in advance to form and deliver a solemn opinion upon the question whether there was just cause for the impeachment.

Then there is only one other respect in which this residue of the paper can be supposed, as it seems to me, to be intended to have any influence upon Congress; and that is, that the honorable and distinguished gentleman who writes this letter, knowing that we have no judicial power over the interpretation of the law, and therefore cannot, by any judgment of ours, ascertain that what has been heretofore done in its interpretation has been done wrongfully, in a judicial sense, and knowing that it is not a proper subject for an investigation, with a view to a criminal prosecution by impeachment, sends it to the two Houses of Congress as a recommendation that they shall institute an inquiry, with a view to an amendment of the law. In this latter view, it strikes me as exceedingly inappropriate for any gentleman, not a member of these bodies, or one of them, and not coming here in the character of a petitioner asserting a claim against the Government, to undertake to advise us of the propriety of further legislation.

I say, therefore, Mr. President, that I regret very much that this truly distinguished gentleman, of whom the American people have reason to be proud as one of their sons,

gifted as he is, and distinguished as he has been in his past course, did not content himself with resigning his position for the very ample and sufficient reason which he first gives, that he is unable to discharge the duties required of him. I regret it also, because, if I collected the scope of that letter accurately from its reading—for I had not seen it before—it seems in any view to present this state of the case—the writer meets with his brother regents; a certain question arises, what shall be done in the management of the institution? That inquiry involves a question as to the just interpretation of the law; the best and the legal means of carrying out the great purpose of the donor. That matter is the subject of discussion and debate among them. The majority of the regents decide against him, and immediately he retires from the institution, and interposes an appeal to Congress against the majority of the body, of which he is a member.

Again, sir, it seems to imply this: Distinguished and elevated as that gentleman is, and high and important as are the services which he has rendered to his country, and which he is now able to render in this or any other station to which the voice of his countrymen or the public authorities may call him, I think the whole tone of that part of the letter slightly exaggerates the importance to the public of the event which it communicates, namely, his retiring from the Board of Regents.

Besides, considering also—for I think my friend from Illinois did not succeed exactly in vindicating that part of the letter—the suggestion which my friend from Maryland made, that there is a tone of confidence, of unmistakable and unmistaken certainty, with which the distinguished writer announces his opinions upon the interpretation of this law, which I think my friend from Illinois will pardon me for saying at least borders a little, very little, upon the confines of arrogance, for I beg my friend to consider against what an array of judgments the opinion of that distinguished writer is given.

Mr. Douglas. Consider the names on the other side.

Mr. Badger. The names on the other side have not been yet given; but I am very certain that my friend before me, [Mr. Douglas,] whose name is one of them—and it is a name of weight and authority in this country, and elsewhere, where it is known—is one of the last persons who would announce his opinion, without the expression of some deferential conception that, after all, perhaps he might be mistaken. Now, I must say, I think it is due to truth and the occasion, to say—and I believe the whole Senate will agree with me—

that, whether the distinguished writer be correct or not in his opinions, that part of the letter is in very bad taste.

Believing, Mr. President, that there is nothing for us to do but accept the resignation of this gentleman, and to accept it with regret because of his eminent talents and high position and undoubted patriotism, and therefore his capacity and willingness to be useful, I should think that the subject might be allowed to drop; but, nevertheless, I yield to the suggestion of my friend from Maryland. He has intimated that he desires that this should be the subject of investigation, and I am willing to move that it shall go to a committee; but I am not prepared to say that it is proper, on this occasion, to select a special committee. This is a question of judicial interpretation—of legislation to be founded upon a judicial interpretation—if the committee in the Senate shall be of opinion that the regents have mistaken the true construction of this law. We have a committee, a standing committee of this body, composed of eminent lawyers, abundantly able to re-examine this subject, so far as it needs re-examination, and so far as this House has any jurisdiction over it. I am not, therefore, for passing over that committee upon a judicial question to raise any select committee. It is a question of law—the interpretation of a statute. If we are not satisfied with the judgment given in the Board of Regents; if such a board of men, aided in their opinions by the illustrious Taney, do not convey to us a conviction that a statute has been rightly interpreted, let it go to that committee of this body. It is a proper organ to examine, and investigate, and report upon strictly legal inquiries. I therefore move the reference of this paper to the Committee on the Judiciary.

Mr. SEWARD. Mr. President, I should not speak at all on this question, if it were not that I think the Senate has a duty to discharge to itself and to its dignity. I need not say that I entertain as profound a respect and admiration for the distinguished gentleman who sent this communication here as any other person in the House, or in the country. I take the occasion thus early to say that I have formed no opinion upon the merits of the question which has been raised by that communication. I deem it my duty, as far as possible, to hold my mind free and open for the purpose of forming an opinion hereafter.

Sir, I cannot consent, for one member of this body, to send this communication to the Committee on the Judiciary, or to a select committee, because, although I believe it to have been intended with the best motives, and to have been

entirely unexceptionable in the view of the writer, yet I think it is derogatory from the dignity of the Senate. What is it, sir? It is a resignation of an officer. Every citizen of the United States has a right to hold an office if he can get it, and certainly every citizen of the United States holding an office has a right to resign it; and it is not necessary for him, in order to be relieved from the burden of the office, to assign any reason or excuse whatever. Whatever may be said by way of apology or excuse, or reason, or justification, does not alter the character of the act itself. It is an absolute resignation. It is complete. It is final. The Senate has nothing to do but to file it. It is done. The Senate cannot compel the individual to retain his office. They cannot ask him to take it back again, however high he may be. They can reappoint him, but they must receive his resignation as a complete act.

According to my humble judgment, what this retiring regent ought to have done, was to send a letter to the President of the Senate, saying, in so many words: "Sir, I resign the office of Regent of the Smithsonian Institution." It is true that a regent, like every other public officer, has a right to inform the public and to inform Congress, if he pleases to do so, of the grounds why he declines a further continuance in the discharge of a public trust; but that should be, not by a letter explaining his reasons for his resignation, but it should be done through the public press, or otherwise, so as not to make the table of the Senate bear the burden of all personal, and political, and other explanations of persons retiring from public office.

It is manifest that the honorable and distinguished gentleman has not considered the legal nature and the official character of the act he was performing. I say, then, this resignation was complete and absolute when the words "I resign this office" were written, but that is not the whole of the communication. We are, besides, favored with an explanation of the reasons why he resigns. This is either for the information of the public, (and if so, it ought not to have been made to the Senate of the United States,) or else it is for the purpose of instructing the Senate in regard to the question which is discussed in the paper. If that honorable and distinguished gentleman wished to instruct the Senate upon the merits of the question out of which his resignation has arisen, he had the right to come before this body in a respectful manner, by petition, by memorial, or by official communication, as a regent of the institution; but he disclaims the privilege and the right of addressing us as a

Regent of the Smithsonian Institution, because, in the very act of representing his views to the Senate, he resigns that office, and shows that he leaves the Senate and the country to take care of the question as they best may.

I think, then, that what is due to this occasion is to lay this letter on the table. Then, I agree with the honorable Senator from Maryland, and the honorable Senator from Virginia, and others, that there is, in the occasion itself, in the subject-matter which has come to the knowledge of the Senate, that which may very properly require an inquiry. I think that inquiry ought to be made by the Senate, out of regard to the public interests, the public welfare, and the honor and dignity of the country, and not upon a communication which is of so unusual and extraordinary a character as this.

Mr. BUTLER. Mr. President, I do not know that I concur entirely in the conclusion of the honorable Senator from New York, but I must say that I agree, in the main, with the purport of his remarks. I hope that my friend from North Carolina will, therefore, withdraw his motion to refer this paper to the Committee on the Judiciary. What is the paper? Is it the resignation of an office? If so, there it should terminate. Is it an accusation against those with whom this gentleman has been associated? If so, as my friend from North Carolina has remarked, I cannot approve its taste. Is it for the purpose of bringing this subject into debate in the Senate? If so, I think its purpose mischievous. Is it for the purpose of making an issue in relation to this fund, which is calculated to involve, perhaps, as has been intimated, different views in different parts of the country? If so, it is a purpose which is criminal.

In every point of view, whether I regard the taste of the paper as an accusation of those with whom this gentleman has been associated, or whether I regard it as designed to bring this subject into popular discussion, I cannot approve its tone. I am bound to say that much; but if it be for the purpose of bringing the subject before the Senate, it cannot be so effectually done as it would be by making the report of a committee the vehicle of his views. I hope, therefore, my friend from North Carolina will withdraw his motion to refer this paper to the Committee on the Judiciary.

Mr. BADGER. I am satisfied, sir, after the remarks made by the honorable Senator from New York, that my first inclination on this subject was correct, and that is, that we have nothing to do but accept the resignation. I yielded, however, because my friend from Maryland, who occupies

a peculiar and delicate relation to this subject, intimated his desire for a committee to investigate it.

Mr. PEARCE. Will my friend from North Carolina allow me to interpose?

Mr. BADGER. Certainly.

Mr. PEARCE. I am anxious that the question should be referred to a committee. I am quite content that the paper should be received and laid upon the table; but I do desire, as the Senator from New York has said, that the subject-matters which are referred to in the letter, should be submitted to a committee of this body for consideration. I hope, therefore, that the proposition of the Senator from New York will be adopted, and the paper laid on the table; and that some gentleman will move a resolution directing a committee (and I now prefer that it should be the Committee on the Judiciary) to inquire what, if any, action is proper to be taken by the Senate in regard to the Smithsonian Institution. That committee was organized at the beginning of the session, without reference to this question. I am willing and desire that the matter should take the regular course, and be referred to that committee, whose appropriate duty it is to construe the acts of Congress, which are drawn into question.

Mr. BADGER. I now withdraw my motion for reference, and move that the paper lie on the table.

Mr. WELLER. I am exceedingly anxious to terminate the debate, and proceed to the consideration of some practical business. This question, however, ought to be decided. Here are three regents of the Smithsonian Institution, who have brought to the consideration of the Senate the important fact that they differ as to the construction given to a law of Congress, or as to the proper mode of using the fund which they have been appointed to administer. Now, I think it very important that Congress should determine that question, because we have been notified, by the debate to-day, that that difference of opinion does exist; and after this paper shall have been disposed of, if no other Senator makes the motion, I shall submit one to instruct the Committee on the Judiciary to consider and report on this subject.

The PRESIDENT. The question is on the motion of the Senator from North Carolina, that the paper lie on the table.

The motion was agreed to.

Mr. CLAYTON subsequently said: Mr. President, as the Senator from California [Mr. Weller] did not follow up his proposition, I desire to offer the following resolution:

Resolved, That the Committee on the Judiciary inquire whether any, and if any, what, action of the Senate is necessary and proper in regard to the Smithsonian Institution.

I believe that this resolution is in accordance with the general sentiment of the body. I do not purpose to debate it; but I will say now, that I hold it to be the duty of the Senate of the United States to sustain the regents of this institution, whenever the Senate thinks they are right. When an imputation is cast on those gentlemen, it ought not to be left to be a matter of conjecture or doubt in the country, whether the Senate thinks they ought to be sustained or not. For my own part, I do thoroughly concur in the opinion which has been given by a majority of the regency. I have been of their opinion since the institution was first established.

I had the honor, as a member of a committee of this body, some eighteen years ago, to report the bill, which was afterwards enacted into a law, accepting the bequest of Smithson; and I well remember that, upon that occasion, there was a diversity of sentiment in this body in regard to the propriety of accepting the bequest, for it was said confidently, by some gentlemen, that it would turn out that this Government was incapable of administering the fund as the testator intended. I was then of a different opinion, and I am now. I have observed, with some interest, the progress of this institution, and the course adopted by the regents, from the origin of the institution, and their course has, on all occasions, so far as I have been able to understand it, met with my unqualified approbation.

The question which divided the regency was one which arose in the very origin of the institution. There were many gentlemen who thought the funds should be devoted to the purpose of a library. I never thought so. I undertake to say that was not the sentiment of the Senate which accepted the bequest. An institution whose object is to increase and diffuse knowledge among men, to be confined, or the greater part of its action to be confined, to the mere purchase of books—books to be placed here in this District, where they could be visited by gentlemen of wealth from abroad, to be sure, and where they could be searched and examined by persons who are on the spot! That, however, would be one of the most futile, and, in my humble judgment, most ineffectual methods which could be devised, to diffuse knowledge among men. The plan adopted by the regency is one calculated to diffuse it among men in all parts of the civilized world.

But, sir, I will not take up the time of the Senate in discussing this question. The Committee on the Judiciary are fully capable of examining and deciding on judicial questions. I think they ought to make an inquiry, in order that, if the regents are right in the interpretation they have given to the law, they should be sustained by the judgment of the committee, and by the judgment of the Senate. I move the adoption of the resolution which I have submitted.

The resolution was considered, by unanimous consent, and agreed to.

SENATE, *February* 6, 1855.

Mr. ANDREW P. BUTLER, of South Carolina, from the Committee on the Judiciary,* to whom was referred the resolution of the Senate, directing said committee to inquire whether any, and if any, what, action of the Senate is necessary and proper in regard to the Smithsonian Institution, made the following report, which was ordered to be printed:

It seems to be the object of the resolution to require the committee to say whether, in its opinion, the Regents of the Smithsonian Institution have given a fair and proper construction, within the range of discretion allowed to them, to the acts of Congress putting into operation the trust which Mr. Smithson had devolved on the Federal Government. As the trust has not been committed to a legal corporation subject to judicial jurisdiction and control, it must be regarded as the creature of congressional legislation. It is a naked and honorable trust, without any profitable interest in the Government that has undertaken to carry out the objects of the benevolent testator. The obligations of good faith require that the bequest should be maintained in the spirit in which it was made. The acts of Congress on this subject were intended to effect this end, and the question presented is this: Have the Regents done their duty according to the requirements of the acts of Congress on the subject?

In order to determine whether any, and if any, what, action of the Senate is necessary and proper in regard to the Smithsonian Institution, it is necessary to examine what provisions Congress have already made on the subject, and whether they have been faithfully carried into execution.

The money with which this institution has been founded

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* Messrs. Butler, Toucey, Bayard, Geyer, Pettit, and Toombs.

was bequeathed to the United States by James Smithson, of London, to found at Washington, under the name of the "Smithsonian Institution," an establishment "for the increase and diffusion of knowledge among men." It is not bequeathed to the United States to be used for their own benefit and advantage only, but in trust to apply to "the increase and diffusion of knowledge" among mankind generally, so that other men and other nations might share in its advantage as well as ourselves.

Congress accepted the trust, and by the act of August 10th, 1846, established an institution to carry into effect the intention of the testator. The language of the will left a very wide discretion in the manner of executing the trust, and different opinions might very naturally be entertained on the subject. And it is very evident by the law above referred to that Congress did not deem it advisable to prescribe any definite and fixed plan, and deemed it more proper to confide that duty to a Board of Regents, carefully selected, indicating only in general terms the objects to which their attention was to be directed in executing the testator's intention.

Thus, by the fifth section, the regents were required to cause a building to be erected of sufficient size, and with suitable rooms or halls, for the reception and arrangement, upon a liberal scale, of objects of natural history, including a geological and mineralogical cabinet; also a chemical laboratory, a library, a gallery of art, and the necessary lecture rooms. It is evident that Congress intended by these provisions that the funds of the institution should be applied to increase knowledge in all the branches of science mentioned in this section—in objects of natural history, in geology, in mineralogy, in chemistry, in the arts—and that lectures were to be delivered upon such topics as the regents might deem useful in the execution of the trust. And publications by the institution were undoubtedly necessary to diffuse generally the knowledge that might be obtained; for any increase of knowledge that might thus be acquired was not to be locked up in the institution or preserved only for the use of the citizens of Washington, or persons who might visit the institution. It was by the express terms of the trust, which the United States was pledged to execute, to be diffused among men. This could be done in no other way than by publications at the expense of the institution. Nor has Congress prescribed the sums which shall be appropriated to these different objects. It is left to the discretion and judgment of the regents.

The fifth section also requires a library to be formed, and the eighth section provides that the regents shall make from the interest an appropriation, not exceeding an average of twenty-five thousand dollars annually, for the gradual formation of a library composed of valuable works pertaining to all departments of human knowledge.

But this section cannot, by any fair construction of its language, be deemed to imply that any appropriation to that amount, or nearly so, was intended to be required. It is not a direction to the regents to apply that sum, but a prohibition to apply more; and it leaves it to the regents to decide what amount within the sum limited can be advantageously applied to the library, having a due regard to the other objects enumerated in the law.

Indeed, the eighth section would seem to be intended to prevent the absorption of the funds of the Institution in the purchase of books. And there would seem to be sound reason for giving it that construction; for such an application of the funds could hardly be regarded as a faithful execution of the trust; for the collection of an immense library at Washington would certainly not tend "to increase or diffuse knowledge" in any other country, not even among the countrymen of the testator; very few even of the citizens of the United States would receive any benefit from it. And if the money was to be so appropriated, it would have been far better to buy the books and place them at once in the Congress Library. They would be more acceptable to the public there, and it would have saved the expense of a costly building and the salaries of the officers; yet nobody would have listened to such a proposition, or consented that the United States should take to itself and for its own use the money which they accepted as a trust for "the increase and diffusion of knowledge among men."

This is the construction which the regents have given to the acts of Congress, and, in the opinion of the committee, it is the true one; and, acting under it, they have erected a commodious building, given their attention to all the branches of science mentioned in the law, to the full extent of the means afforded by the fund of the institution, and have been forming a library of choice and valuable books, amounting already to more than fifteen thousand volumes. The books are, for the most part, precisely of the character calculated to carry out the intentions of the donor of the fund and of the act of Congress. They are chiefly composed of works published by or under the auspices of the numerous institutions of Europe which are engaged in sci-

entific pursuits, giving an account of their respective researches and of new discoveries whenever they are made. These works are sent to the "Smithsonian Institution," in return for the publications of this institution, which are transmitted to the learned societies and establishments abroad. The library thus formed, and the means by which it is accomplished, are peculiarly calculated to attain the objects for which the munificent legacy was given in trust to the United States. The publication of the results of scientific researches made by the institution is calculated to stimulate American genius, and at the same time enable it to bring before the public the fruits of its labors. And the transmission of these publications to the learned societies in Europe, and receiving in return the fruits of similar researches made by them, gives to each the benefit of the "increase of knowlege" which either may obtain, and at the same time diffuses it throughout the civilized world. The library thus formed will contain books suitable to the present state of scientific knowledge, and will keep pace with its advance; and it is certainly far superior to a vast collection of expensive works, most of which may be found in any public library, and many of which are mere objects of curiosity or amusement, and seldom, if ever, opened by any one engaged in the pursuits of science.

These operations appear to have been carried out by the regents, under the immediate superintendence of Professor Henry, with zeal, energy, and discretion, and with the strictest regard to economy in the expenditure of the funds. Nor does there seem to be any other mode which Congress could prescribe or the regents adopt which would better fulfill the high trust which the United States have undertaken to perform. No fixed and immutable plan prescribed by law or adopted by the regents would attain the objects of the trust. It was evidently the intention of the donor that it should be carried into execution by an institution or establishment, as it is termed in his will. Congress has created one, and given it ample powers, but directing its attention particularly to the objects enumerated in the law; and it is the duty of that institution to avail itself of the lights of experience, and to change its plan of operations when they are convinced that a different one will better accomplish the objects of the trust. The regents have done so, and wisely, for the reasons above stated. The committee see nothing, therefore, in their conduct which calls for any new legislation or any change in the powers now exercised by the regents.

For many of the views and statements in the foregoing report, the committee are indebted to the full and luminous reports of the Board of Regents. From the views entertained by the committee, after an impartial examination of the proceedings referred to, the committee have adopted the language of the resolution, "that no action of the Senate is necessary and proper in regard to the Smithsonian Institution;" *and this is the unanimous opinion of the committee.*

SENATE, *March* 1, 1855.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Smithsonian Institution, communicating the ninth annual report of the Board of Regents of that Institution; which was ordered to lie on the table and be printed.

A motion by Mr. BRODHEAD to print ten thousand additional copies of the report, was referred to the Committee on Printing.

SENATE, *March* 2, 1855.

Mr. JOHNSON, from the Committee on Printing, reported the following:

Ordered, That ten thousand additional copies of the ninth annual report of the Board of Regents of the Smithsonian Institution be printed.

Mr. PEARCE. I move to amend that order by adding "twenty-five hundred of which shall be for the use of the Secretary of the said Institution."

Mr. JOHNSON. I am willing to accept that.

The amendment was agreed to; and the order, as amended, was adopted.

PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES, *December* 5, 1854.

Mr. CHANDLER offered the following resolution:

Resolved, That the special committee to whom, at the last session of Congress, was referred the subject of the investment of the funds of the Smithsonian Institution, be continued with its powers and duties.

The SPEAKER. With the permission of the House, the Chair would remark that all the select committees appointed at the last session expired, as a matter of course, with the last session. If not objected to, a general order will be entered to continue those committees which did not report in full at the last session.

Mr. ROWE. I object.

The SPEAKER. The question will then be upon the resolution offered by the gentleman from Pennsylvania.

The question was taken; and the resolution was agreed to.

HOUSE OF REPRESENTATIVES, *December* 11, 1854.

A message was received from the Senate announcing that that body had passed a joint resolution (No. 28) for the appointment of two regents of the Smithsonian Institution.

HOUSE OF REPRESENTATIVES, *December* 22, 1854.

Mr. MEACHAM. I wish to state that there is a bill upon the Speaker's table providing for the reappointment of regents of the Smithsonian Institution. I will state that it is necessary to transact some business which cannot be done without the reappointment of these regents. I ask that the bill may be taken up and passed. It will take but a minute, and I hope there will be no objection.

Mr. COBB. I object.

After the intervention of some other business—

Mr. MEACHAM. I now ask the House to take up the bill for the reappointment of the regents of the Smithsonian Institution, and pass it. It will occupy but a moment.

Mr. FLORENCE. Oh, no; there is no quorum here.

HOUSE OF REPRESENTATIVES, *December* 26, 1854.

Mr. ENGLISH. I ask the unanimous consent of the House to take from the Speaker's table a Senate joint resolution proposing to appoint Rufus Choate of Massachusetts, and Gideon Hawley of New York, regents for the Smithsonian Institution; and if the House will allow me, I propose to ask that the resolution may be put upon its passage.

I will state, as a reason why the resolution should be put upon its passage at an early day, that there is to be a regular meeting of the regents of that institution the next week, and it is desirable that there should be a full board upon that occasion. These gentlemen have been regents heretofore, and I presume there will be no objection to their reappointment. I ask that the resolution may be taken up, and put upon its passage.

The resolution was read, as follows:

Resolved, &c., That the vacancies in the Board of Regents of the Smithsonian Institution of the class otherwise than members of Congress, be filled by the reappointment of the late incumbents, viz: Rufus Choate of Massachusetts, and Gideon Hawley of New York.

Mr. HAVEN. I presume there is no objection to the passage of the resolution.

The resolution was then ordered to a third reading; and was accordingly read the third time, and passed.

HOUSE OF REPRESENTATIVES, *January* 17, 1855.

The SPEAKER laid before the House a communication received from Hon. Rufus Choate, resigning his office as regent of the Smithsonian Institution.

The letter was read. (See Senate Proceedings, January 17, 1855.)

Mr. MEACHAM. I ask the unanimous consent of the House to introduce a resolution of inquiry, founded upon that letter; and upon the resolution I demand the previous question.

The resolution was reported, as follows:

Resolved, That the letter of Hon. Rufus Choate, resigning his place as regent of the Smithsonian Institution, be referred to a select committee of five, and printed; and that said committee be directed to inquire, and report to the House, whether the Smithsonian Institution has been managed, and its funds expended, in accordance with the law establishing the institution; and whether any additional legislation be necessary to carry out the designs of its founders; and that said committee have power to send for persons and papers.

Mr. ENGLISH. If I have a right to object to the reception of the resolution just proposed by the gentleman from Vermont, [Mr. Meacham,] I do so; and I move that the communication submitted by Mr. Choate be laid on the table, and ordered to be printed.

The SPEAKER. The resolution of the gentleman from Vermont, to refer to a select committee the letter which has just been read, is in order, in the opinion of the Chair. Upon the adoption of the resolution, the gentleman from Vermont demands the previous question. It is in order to make a motion to lay the matter on the table.

Mr. ENGLISH. Then I make that motion.

Mr. MEACHAM. Will that motion carry the resolution with it?

The SPEAKER. It will.

Mr. MEACHAM. Am I not still entitled to the floor?

The SPEAKER. The gentleman from Vermont cannot retain the floor after moving the previous question. It is in order for the gentleman from Indiana to make the motion he does, as it is a privileged question.

Mr. MEACHAM. The resolution I offer is simply one of inquiry, made in respectful terms, and it appears to me that there can be no objection to it. If the motion of the gentleman from Indiana is pressed, I shall demand the yeas and nays.

Mr. BAYLY, of Virginia. I ask my friend from Indiana to withdraw the motion to lay upon the table. The resolution ought to go to the Judiciary Committee, and the clause providing for sending for persons and papers ought to be stricken out.

The yeas and nays were ordered.

Mr. CHANDLER. I would ask whether the motion to lay upon the table includes the motion to print?

The SPEAKER. It does include that motion.

Mr. CLINGMAN. The motion to lay upon the table and print would be a debatable motion.

The SPEAKER. It would scarcely be debatable pending the demand for the previous question.

Mr. CLINGMAN. The demand for the previous question has not been seconded.

The SPEAKER. It could not be until there was a test vote.

Mr. CLINGMAN. If the gentleman from Indiana couples the motion to lay upon the table with the motion to print, I should think it would be debatable.

The SPEAKER. It cannot be a debatable motion, for the reason that the previous question is demanded upon the adoption of the resolution. The demand for the previous question must be first disposed of before discussion can be had.

Mr. JONES, of Tennessee. I would remark that no person has called for a division of the question to lay upon the table and print.

Mr. ENGLISH. If I have the right to do so, I propose to modify my motion so as to lay the communication and resolution upon the table, and withdraw the motion to print.

The SPEAKER. The gentleman has a right to modify his motion and withdraw the motion to print.

Mr. ENGLISH. I then so modify my motion.

The SPEAKER. The yeas and nays have not been ordered upon the modification proposition.

Mr. BAYLY, of Virginia. The proposition being modified, how does the previous question apply?

The SPEAKER. The demand for the previous question will come up, should the House refuse to lay the resolution upon the table; and it cuts off debate until the House determine whether or not it will sustain the demand.

Mr. MEACHAM. I ask for the yeas and nays upon the modified motion.

The yeas and nays were ordered.

The question was then taken, and there were—yeas 81, nays 84; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Thomas H. Bayly, Barksdale, Bell, Boyce, Breckinridge, Bridges, Caruthers, Caskie, Chandler, Chastain, Chrisman, Cobb, Colquitt, Craige, John G. Davis, Dawson, Disney, Drum, Dunbar, Eddy, Edgerton, Edmundson, John M. Elliott, English, Everhart, Faulkner, Franklin, Goode, Green, Greenwood, Hamilton, Sampson W. Harris, Hendricks, Hillyer, Houston, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kurtz, Lamb, Latham, Macdonald, Matteson, Maxwell, Millson, Morgan, Nichols, Orr, Packer, Pennington, Bishop Perkins, John Perkins, Phelps, Pringle, Reese, Thomas Ritchey, Robbins, Rogers, Ruffin, Shannon, Shaw, Shower, Skelton, George W. Smyth, Sollers, Frederick P. Stanton, Andrew Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Teller, Trout, Vansant, Walbridge, Walker, and Warren—81.

NAYS—Messrs. Appleton, David J. Bailey, Ball, Bennett, Benson, Bliss, Campbell, Carpenter, Chamberlain, Chase, Clark, Clingman, Cook, Corwin, Cox, Crocker, Cullom, Cutting, Thomas Davis, Dickinson, Ellison, Farley, Fenton, Flagler, Fuller, Goodrich, Goodwin, Grey, Grow, Aaron Harlan, Wiley P. Harris, Harrison, Haven, Hibbard, Hiester, Hill, Hughes, Hunt, Johnson, Kittredge, Knox, Letcher, Lilly, Lindley, Lindsley, McDougall, Mace, Macy, Maurice, Mayall, Meacham, Middleswarth, Murray, Norton, Andrew Oliver, Mordecai Oliver, Parker, Peck, Pratt, Puryear, Ready, Rowe, Russell, Sabin, Sapp, Seward, Simmons, Samuel A. Smith, William R. Smith, Richard H. Stanton, Hester L. Stevens, Stratton, Thurston, Upham, Wade, Ellihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Westbrook, Wheeler, Yates, and Zollicoffer—84.

So the House refused to lay the resolution upon the table.

Pending the call.

Mr. KERR said: Is it in order to make an inquiry of the Chair at this time?

The SPEAKER. Only by the unanimous consent of the House.

Mr. KERR. There seems to be some misapprehension in regard to this matter. I suppose by laying the resolution upon the table that we do not accept the resignation of Mr. Choate.

The SPEAKER. The Chair understands the resignation to have been already received. The House received the letter, and it was read.

Mr. KERR. There seems to be some diversity of opinion in relation to the matter. My only desire is, that it shall be understood.

The question then recurred upon the demand for the previous question.

Mr. FRANKLIN. I would like to inquire of the Chair, if it is in order to move to refer this matter to the select committee already in existence upon the subject of the Smithsonian fund?

The SPEAKER. The demand for the previous question

cuts off any motion, until the House determine whether they will second the demand.

Mr. FRANKLIN. I give notice that I shall make the motion to refer these papers to the select committee already existing upon the subject of the Smithsonian fund, which has this matter in charge, and is expecting to make a report upon it in a few days.

Mr. WASHBURN, of Maine, demanded tellers on the second to the demand for the previous question; which were ordered; and Messrs. Grey and Walker were appointed.

The House was then divided; and the tellers reported—ayes 74, noes 72.

So there was a second; and the main question was then ordered to be put.

The question now being on the adoption of the resolution,

Mr. PRINGLE demanded the yeas and nays; which were ordered.

The question was then put; and it was decided in the affimative—yeas 93, nays 91; as follows:

YEAS—Messrs. Abercrombie, Appleton, David J. Bailey, Ball, Banks, Bennett, Benson, Bristow, Bugg, Campbell, Carpenter, Chamberlain, Chase, Clark, Cook, Corwin, Crocker, Cullom, Curtis, Cutting, Thomas Davis, Dawson, DeWitt, Dickinson, Eastman, Edgerton, Edmands, Ellison, Etheridge, Farley, Fenton, Flagler, Fuller, Goodrich, Goodwin, Grow, Aaron Harlan, Wiley P. Harris, Haven, Henn, Hiester, Hill, Hughes, Hunt, Johnson, Kittredge, Knox, Latham, Letcher, Lilly, Lindley, Lindsley, McDougall, Mace, Macy, Matteson, Maurice, Mayall, Meacham, Middleswarth, Murray, Norton, Andrew Oliver, Parker, Peck, John Perkins, Pratt, Preston, Puryear, Ready, David Ritchie, Rowe, Russell, Sabin, Sapp, Simmons, Singleton, William R. Smith, Richard H. Stanton, Hestor L. Stevens, Stratton, Thurston, Upham, Wade, Walsh, Ellihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Westbrook, Wheeler, Yates, and Zollicoffer—93.

NAYS—Messrs. Aiken, James C. Allen, Willis Allen, Belcher, Bocock, Boyce, Breckinridge, Bridges, Caruthers, Caskie, Chandler, Chastain, Chrisman, Clingman, Cobb, Colquitt, Cox, Craige, John G. Davis, Dunbar, Eddy, Edmundson, English, Everhart, Faulkner, Florence, Franklin, Goode, Greenwood, Grey, Hamilton, Harrison, Hendricks, Hillyer, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kurtz, Lamb, Macdonald, McMullin, McQueen, Maxwell, Smith Miller, Millson, Morgan, Nichols, Olds, Mordecai Oliver, Orr, Packer, Pennington, Bishop, Perkins, Phelps, Powell, Pringle, Reese, Richardson, Thomas Ritchey, Robbins, Rogers, Ruffin, Sage, Seward, Shannon, Shaw, Shower, Skelton, Samuel A. Smith, George W. Smyth, Sollers, Frederick P. Stanton, Straub, Andrew Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Teller, Trout, Vansant, and Walker—91.

So the resolution was adopted.

Mr. MEACHAM. I move to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table.

Mr. FLORENCE. I call for the yeas and nays upon the motion to lay upon the table.

The yeas and nays were ordered.

The question was then put; and it was decided in the affirmative—yeas 94, nays 82; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Appleton, David J. Bailey, Ball, Banks, Barksdale, Barry, Bennett, Benson, Bristow, Bugg, Campbell, Carpenter, Chamberlain, Chase, Clark, Cook, Corwin, Crocker, Thomas Davis, Dawson, DeWitt, Dickinson, Eastman, Edgerton, Edmands, Ellison, Etheridge, Farley, Fenton, Flagler, Fuller, Goodrich, Goodwin, Grow, Aaron Harlan, Sampson W. Harris, Wiley P. Harris, Hastings, Haven, Henn, Hiester, Hill, Hughes, Hunt, Johnson, Kittredge, Knox, Latham, Letcher, Lilly, Lindsley, McDougall, Mace, Macy, Matteson, Maurice, Mayall, Meacham, Middleswarth, Murray, Noble, Norton, Andrew Oliver, Mordecai Oliver, Parker, Peck, Bishop Perkins, John Perkins, Pratt, Puryear, Ready, David Ritchie, Rowe, Sabin, Sapp, Seward, Simmons, Singleton, William R. Smith, Richard H. Stanton, Hestor L. Stevens, Stratton, Thurston, Upham, Wade, Ellihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Westbrook, Wheeler, and Yates—94.

NAYS—Messrs. Willis Allen, Thomas H Bayly, Belcher, Bell, Bocock, Boyce, Breckinridge, Bridges, Caskie, Chandler, Chastain, Chrisman, Cobb, Colquitt, Craige, John G. Davis, Drum, Dunbar, Eddy, Edmundson, John M. Elliott, English, Everhart, Faulkner, Florence, Franklin, Goode, Greenwood, Grey, Hamilton, Harrison, Hendricks, Hillyer, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kurtz, Lamb, Lewis, Macdonald, McMullin, McQueen,, Maxwell, Smith Miller, Millson, Morgan, Nichols, Olds, Orr, Packer, Pennington, Phelps, Pringle, Reese, Thomas Ritchey, Robbins, Rogers, Ruffin, Sage, Shannon, Shaw, Shower, Skelton, Samuel A. Smith, William Smith, George W. Smyth, Frederick P. Stanton, Straub, Andrew Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Teller, Trout, Vansant, Walker, Walsh, Warren, and Witte—82.

So the motion to reconsider was laid upon the table.

HOUSE OF REPRESENTATIVES, *January* 18, 1855.

The SPEAKER announced the following as the members of the select committee, raised for the purpose of investigating the management of the Smithsonian Institution:

Mr. Upham of Massachusetts, Mr. Witte of Pennsylvania, Mr. Taylor of Tennessee, Mr. Wells of Wisconsin, and Mr. Puryear of North Carolina.

The SPEAKER. The Chair would state that the gentleman from Vermont, [Mr. Meacham,] at whose instance the committee was raised, was not placed on it at his own request. He is one of the regents of the Smithsonian Institution, and thought that, under the circumstances, he ought not to serve on the committee. Had he not requested to be excused from service, he would have been put, according to custom, at the head of the committee.

HOUSE OF REPRESENTATIVES, *February* 20, 1855.

Mr. UPHAM. I wish, by the unanimous consent of the House, to ask for the appointment of a clerk to the Committee on the Smithsonian Institution. We have been at work nearly one month, most laboriously, and have been compelled to employ a clerk, and sometimes more than one. I have not had an opportunity to bring my motion for the appointment of a clerk before the House, because every morning gentlemen insisted on the regular order of business; and I now ask the House to allow that committee to employ a clerk.

[General cries of "Oh yes—let them have a clerk!"]

Mr. HUGHES. If the House give unanimous consent to the gentleman's proposition, I will withdraw the motion to adjourn.

Mr. PERKINS of New York, and others. I object.

Mr. UPHAM. Then I move that the rules be suspended, to enable me to submit my proposition.

The SPEAKER *pro tempore.* That cannot be done, as there is a motion to suspend the rules pending.

Mr. HUGHES. I now renew my motion to adjourn.

The question was taken; and the motion was agreed to.

HOUSE OF REPRESENTATIVES, *February* 27, 1855.

The House being in the Committee of the Whole on the state of the Union, Mr. WM. H. ENGLISH, of Indiana, said:

I propose occupying the attention of the committee for a short time in submitting some practical remarks in reference to the present condition and management of the Smithsonian Institution. It is not a subject, sir, the introduction of which into Congress has received any favor from me. I regretted to see it brought here; and when the gentleman from Vermont, [Mr. Meacham,] upon a late occasion, introduced a resolution to raise a special committee of inquiry, I felt it my duty to oppose its adoption. I knew that such an examination would be attended with expense, and a consumption of time which at that late period of the session, could not well be spared from other and more important public business—that it would tend to irritate the feelings of gentlemen heretofore or now connected with the institution, and, in a word, might do evil, but could not result in practical good. My knowledge of the subject satisfied me that nothing had occurred to demand the raising of a special committee, clothed with power to send for persons and papers, thus giving to the disappointed

and dissatisfied an opportunity of assailing the institution or its officers at the public expense.

Sir, I felt conscious then, as I do now, that the management has been such in all material respects as ought to elicit commendation. This I may say with the greater propriety and freedom, for the reason that the causes which led to this investigation originated and were fully developed before my connection with the institution as a regent; a position, I may add, supposed to be of some honor, but certainly one of considerable labor, much responsibility, and no pecuniary benefit whatever.

That the management of an institution having so large an endowment, and a design so comprehensive, should occasion difference of opinion and difficulty is not surprising in the least. It would be more surprising were it otherwise. Whilst all concur in desiring the accomplishment of the great object Smithson had in view—"The increase and diffusion of knowledge among men"—the wisest and best may well differ as to the proper means to be used to attain that end.

Although not entirely approving all that has been done, I must say, in view of the vastness of the subject, and that Congress was ten years in adopting even the outlines of a plan, that the present condition of the institution is not only encouraging, but a subject of congratulation rather than of censure, to those charged with the management of its affairs. Sir, I ask where there has been any material departure from the act of Congress or the will of Smithson? Have the funds been squandered or improperly applied? Is the institution in debt or its income exhausted? Have the officers neglected their duty? Is there corruption or improper conduct in any quarter? Sir, it is an easy matter to criticise, to find fault, to indulge in loose statements and undefined insinuations, but I have yet to hear alleged any just and definite cause of complaint. Look at the financial department, where corruption would most likely exist, if it existed at all, and you will find the gratifying fact that it has been so judiciously managed that after paying all the current expenses *the funds and property are this day actually worth double the amount of the original bequest.* Where, sir, in this age of extravagant expenditure of public money and deficiency bills, will you find a parallel to this?

The regents are authorized to expend *all* the accruing interest, but, so far from doing this, they have, by husbanding the resources and by constant watchfulness over the disbursements, actually saved the sum of $130,000, which they have

now on hand to apply as a permanent addition to the principal. What, then, is the result? A magnificent building, of ample dimensions, has been erected at a cost of $300,000. Books, apparatus, and other articles have been provided for the library, museum, laboratory, and gallery of art, worth $85,000. Lecturers have been employed, original researches made, many valuable scientific works published and distributed, the current expenses entirely paid, and yet the principal is increased $130,000. And of the interest expended I have yet to hear where one dollar was devoted to an improper purpose. Does this look as if the institution was badly managed?

If I am asked, Mr. Chairman, what the institution has done to carry out the object for which it was designed, I reply that it has not had time to do much. It is in its infancy. The building is but just completed, and it is not to be expected that a great establishment which is to exist as long as this Government itself, is to be built up in a day. The foundation is being laid deep and wide, and the noble work will gradually but surely advance.

But, sir, I think it can be shown that something has already been accomplished; that a good beginning, at least, has been made, especially in view of the limited annual income, which from the original fund, is less than $31,000. Why, a single report of the Patent Office costs three times as much as the entire income of the Smithsonian fund for a year.

Sir, the official report to be made at the present session of Congress will show that "liberal provision has been made for a library, museum, and gallery of art, in the construction of a building which has cost $300,000. A library has been commenced, and means devised for its extension, which at present is valued at $40,000.

"A museum, the most complete to be found in the United States, in the natural history of the North American continent, has been collected, which is valued at not less than $30,000.

"A cabinet of apparatus, consisting of instruments of illustration and research, which is worth more than $15,000, has been obtained.

"A beginning has been made of a gallery of art, consistsisting of a choice collection of a series of specimens of engravings of the old masters."

A correspondence has been opened and friendly relations established with most of the leading colleges and literary institutions, not only in this country, but throughout the

world, thus securing scientific co-operation, and often an exchange of valuable researches and publications. Such relations exist with no less than three hundred and forty-two foreign institutions, scattered over Sweden, Norway, Iceland, Denmark, Russia, Holland, Germany, Switzerland, Belgium, France, Italy, Spain, Portugal, Great Britain, Ireland, South America, Mexico, and even Greece, Turkey, Africa, Asia, and Van Dieman's Land. Lectures upon popular and scientific subjects have been regularly delivered at the institution during the sessions of Congress, and have been open to "all men," free of charge. Original researches have been stimulated, and many valuable memoirs upon scientific subjects published and distributed to all the principal libraries and learned societies in the world. To show conclusively what has already been done in this direction, I will give a list of some of the publications, premising, in the language of the secretary of the board, that "the institution up to this time has scarcely published a single paper the production of which has not been stimulated and assisted, or whose character has not been improved by the agency of the institution; and, as a whole, they are such as could not have been given to the world without the aid of the Smithsonian bequest." They are the products of American genius, and have reflected the highest honor on American science:

WORKS PUBLISHED BY THE SMITHSONIAN INSTITUTION.

Quarto Volumes.

Smithsonian Contributions to Knowledge. 1848. Vol. I, 4°, pp. 346, with 48 plates and 207 woodcuts.
Smithsonian Contributions to Knowledge. 1851. Vol. II, 4°, pp. 464, and 24 plates.
Smithsonian Contributions to Knowledge. 1852. Vol. III, 4°, pp. 564, and 35 plates.
Smithsonian Contributions to Knowledge. 1852. Vol. IV, 4°, pp. 426.
Smithsonian Contributions to Knowledge. 1853. Vol. V, 4°, pp. 538, and 45 plates.
Smithsonian Contributions to Knowledge. 1854. Vol. VI, 4°, pp. 476, and 53 plates.

Mathematics and Physics.

The Law of Deposit of the Flood Tide: its dynamical action and office By Charles Henry Davis, Lieutenant United States Navy.

Observations on Terrestrial Magnetism: By John Locke, M. D., M. A. P. S.

Researches on Electrical Rheometry: By A. Secchi.

Astronomy.

Six Memoirs upon the Occulations Visible in the United States during the years from 1848 to 1853, inclusive. Computed under the direction of the Smithsonian Institution: By John Downes. 1848. 4°, pp. 12.

Researches Relative to the Planet Neptune: By Sears C. Walker, Esq.

Ephemeris of Neptune for the Opposition of 1848: By Sears C. Walker, Esq.

Ephemeris of the Planet Neptune from the Date of the Lalande Observations of May 8 and 10, 1795, and for the Oppositions of 1846, 1847, 1848, and 1849: By Sears C. Walker, Esq.

Three Memoirs upon the Ephemeris of the Planet Neptune for the years 1850, 1851, and 1852.

On the History of the Discovery of the Planet Neptune: By B. A. Gould, Jr. 1850.

Meteorology.

On the Winds of the Northern Hemisphere: By Professor J. H. Coffin. November, 1853. 4°, pp. 200, and 13 plates.

Directions for Meteorological Observations, intended for the First Class of Observers: By Arnold Guyot.

A Collection of Meterological Tables, with other tables useful in Practical Meteorology: Prepared by order of the Smithsonian Institution by Arnold Guyot.

Chemistry and Technology.

Memoir on the Explosiveness of Nitre, with a view to elucidate its agency in the tremendous explosion of July, 1845, in New York: By Robert Hare, M. D.

On Recent Improvements in the Chemical Arts: By Professor James C. Booth and Campbell Morfit.

Geography, Ethnology, and Philology.

Ancient Monuments of the Mississippi Valley; comprising the results of extensive original surveys and explorations: By E. G. Squier, A. M., and E. H. Davis, M. D.; pp. 346, 48 plates, and 207 woodcuts.

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Description of Ancient Works in Ohio: By Charles Whittlesey. 1851.

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On the Vocal Sounds of Laura Bridgeman, the Blind Deaf Mute at Boston; compared with the Elements of Phonetic Language: By Dr. Francis Lieber.

A Grammar and Dictionary of the Dakota Language: Collected by the members of the Dakota Mission; edited by Rev. S. R. Riggs, A. M., Missionary of the American Board of Commissioners for Foreign Missions.

Vocabulary of the Jargon of Trade Language of Oregon: By Dr. B. Rush Mitchell, U. S. N.; with additions by Professor W. W. Turner.

Microscopical Science.

Microscopical Examination of Soundings made by the United States Coast Survey off the Atlantic coast of the United States: By Professor J. W. Bailey.

Microscopical Observations made in South Carolina, Georgia, and Florida: By Professor J. W. Bailey.

Notes on New Species and Localities of Microscopical Organisms: By Professor J. W. Bailey.

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The Classification of Insects from Embryological Data: By Professor Louis Agassiz. 1850.

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Synopsis of the Marine Invertebrata of Grand Manan, or the Region about the mouth of the Bay of Fundy, New Brunswick: By W. Stimpson.

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Anatomy of the Nervous System of *Rana pipiens*, L.: By Jeffries Wyman, M. D.

Catalogue of North American Reptiles, in the museum of the Smithsonian Institution. Part I.—Serpents: By S. F. Baird and C. Girard.

Botany.

Plantæ Wrightianæ Texano-Neo Mexicanæ: By Asa Gray, M. D. Part I—pp. 146, and 10 plates.

Plantæ Wrightianæ Texano-Neo Mexicanæ. Part II.—An account of a collection of plants, made by Charles Wright, in Western Texas, New Mexico, and Sonora, in the years 1851 and 1852: By Asa Gray, M. D.—pp. 120, and 4 plates.

Nereis Boreali-Americana, or Contributions to a History of the Marine Algæ of North America. Part I.—Melanospermeæ: By William Henry Harvey, M. D., M. R. I. A.; pp. 152 and 12 colored plates.

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Plantæ Frémontianæ; or descriptions of plants collected by Colonel J. C. Frémont in California: By John Torrey, F. L. S. 1853; pp. 24, and 10 plates.

Observations on the *Batis Maritima* of Linnæus: By John Torrey, F. L. S.

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Palæontology.

A Memoir on *Mosasaurus*, and the three allied new genera, *Holcodus*, *Conosaurus*, and *Amphorosteus:* By Robert W. Gibbes, M. D.

Memoir upon the Extinct Species of Fossil Ox: By Joseph Leidy, M. D.

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Bibliography of American Natural History, for the year 1851: By Charles Girard.

Notices of Public Libraries in the United States: By Professor C. C. Jewett.

Directions for Collecting, Preserving, and Transporting Specimens of Natural History. Prepared for the use of the Smithsonian Institution. Two editions.

These works are distributed gratuitously to most of the incorporated colleges and libraries in the United States, and to the leading literary institutions of other countries. They are not copyrighted, and are sold by the trade at a low rate.

It may be contended that researches and publications of a character so purely scientific are not calculated directly to diffuse knowledge among the great mass of mankind.

This is, no doubt, to a certain extent, true, and I shall be

glad to see the operations of the institution made as plain and practical as the nature of the subjects will admit; but it should not be forgotten that the grand object of the institution is to add to the sum total of the knowledge *now* existing in the world, and to diffuse it "among men," rather than to scatter that more widely which is already accessible, in a greater or less degree, to all.

"Scientific researches," says a committee of the Board of Regents, "are often supposed by the uninformed to be of little or no real importance; and, indeed, are frequently ridiculed as barren of all practical utility; but nothing is more mistaken than this. The most valuable and productive of the arts of life, the most important and wonder-working inventions of modern times, owe their being and value to scientific investigations. By these have been discovered physical truths and laws, the intelligent application of which to practical inventions has given immense benefits to the world. The germs of these valuable improvements and inventions have been found and developed by scientific research, the original forms of which have often seemed to the many to be as idle and useless as they were curious. A proposition relating to the pendulum, which for many years remained only a curious theoretical relation, ultimately furnished a unit for the standard measures of states and nations. The discovery that a magnetic needle could be moved by a galvanic current seemed for a long time more curious than useful, and yet it contained the germ of all that was afterwards developed in the telegraph. It has been well remarked that numerous applications and inventions always result from the discovery of a scientific principle; so that there are many Fultons for every Franklin."

Besides this, it must be recollected that Smithson restricted his bequest to no particular branch of knowledge. He considered all intimately connected with the improvement and happiness of the human family, and as an answer to whatever may be said against the character of the publications of the institution, it may be stated that they relate to precisely the same subjects as those which occupied the life of Smithson himself.

Now, sir, I will proceed to state what I conceive to be the true origin of all the difficulties that have existed in the institution. They have grown out of the question whether the income should be used to build up a library, as the paramount object, or whether they should be applied not only for a library, but for such other purposes "to increase and diffuse knowledge" as would in the judgment of the regents.

best accord with the will of Smithson and the law of Congress organizing the institution.

This is the starting point of the whole controversy. It is not pretended by any one that the funds have not been expended in an honest effort to increase and diffuse knowledge, but that they have not been chiefly devoted to a library as *the* proper instrument to effect the desired end.

Now, as this Government is only the trustee to carry out the will of the gentleman whose money supports the institution, it becomes important to examine into the nature of that instrument, for the law declares its true intent to be to carry out "the will of the liberal and enlightened donor." Sir, what is that will? I ask gentlemen to read it, and answer whether there is anything indicating that a library was regarded as the paramount object, which, like the rod of Aaron, was to swallow up everything else? The bequest, in the language of the testator, is "*to found at Washington an establishment under the name of the Smithsonian Institution, for the increase and diffusion of knowledge* AMONG MEN." I submit that to devote the money of Smithson to the building up of a library as a paramount object would neither carry out the letter nor the spirit of his will. The benefit to be derived from such an expenditure would necessarily be local in its character, and, instead of being useful to "*men*" in the comprehensive sense used by Smithson, would enure to the benefit of citizens of Washington, and the privileged and fortunate few who might from time to time visit the capital. Such an expenditure, in my judgment, neither accords with the evident intent of the will or the character and sentiments of the man who made it. He did not bequeath his fortune to found a library alone, or to increase and diffuse knowledge among the citizens of the United States, much less among the residents and visitors of Washington, but "among men"—men of all classes and everywhere, and to increase and diffuse every species of human knowledge.

James Smithson, Mr. Chairman, was a foreigner—the natural son of the Duke of Northumberland and of Elizabeth, the niece of the Duke of Somerset—but he was not possessed of that intolerant spirit—that species of religious fanaticism and sectional prejudice which, I regret to see, is entertained by many of our own nation. A truly wise and enlightened people should not arrogate to themselves a superiority in all things over every other part of the world, and wrap themselves in a rigid exclusiveness like the Japanese, but should rather pursue that policy which would gather from other nations their best and most valuable citizens,

arts, and inventions. A Chinese map of the world consists of *China;* other countries, if indicated at all, occupying no larger space than that usually allotted to the smaller class of islands. The wild Indians and the roving Tartars consider the customs of their respective tribes or clans the perfection of human life, and regard with savage suspicion all who do not judge of perfection by their standard; and, in fact, every savage, and most all half-civilized people, think that within the boundaries of their own country are to be found all virtue, intelligence, heroism, and happiness. They are ever jealous of strangers, (*foreigners*,) deny them all political rights, and sometimes persecute them to the death.

Sir, I have some place read an account of a visit paid by the officers of a French vessel to an African chief in the wilds of his native country. His sable majesty, plentifully besmeared with grease, seated on a log for a throne, and wonderfully impressed with the vast superiority of everything and everybody within his own dominions, eagerly inquired of the officers *whether he was much talked about in France.* I have met some men in this country—even the sons of foreigners—equally puffed up in self-importance with the idea that America is the world, and they the chief instruments in "governing America." No man can have a more exalted opinion of this Republic than I, for it is my native land, but I shall not, therefore, be blinded to the merit of those whose destiny it happened to be to come into the world elsewhere, and especially those who, from choice, have selected this as their permanent home; neither shall I forget how much our own career of greatness and glory has been facilitated by emigration. Most sincerely do I trust that narrow bigotry, sectional prejudice, and barbarian exclusiveness will never control the destinies of the United States!

Mr. Chairman, James Smithson was elevated far above all selfish, narrow-contracted, sectional views. He is believed never to have set his foot on our soil, and yet he passes the splendid monarchies of the Old World, and intrusts, with confidence unqualified, to the honor of republican America, the dispensation of his bequest for the good of all men. Of noble descent himself, and of ample fortune, his sympathies were not alone with those of his own class, or his own country, but with "MEN," without limit or restriction. He declares in exalted language, which deserves to be written in letters of gold, that "the man of science is of no country; the world is his country, and all men his countrymen." Though he could boast that the best blood of England flowed in his veins, yet he said that availed him not, for his

name would live in the memory of men when the titles of the Northumberlands and Percies were extinct or forgotten.

Sir, the language used in the bequest corresponds with what might naturally be expected from one possessing the enlarged views of Smithson.

The great ideas of the will are those of *increase* and *universal benefit.* The benefit is not for one nation, but for "men"—who make up all nations. It is for mankind—for humanity. The truths of science admit of universal application. A truth that tends to enlarge and to elevate the mind; a discovery that furnishes a new power, or makes a new application of an old one, to administer in a greater degree to the wants of men; a fact that opens to the analytic mind a new source of evidence to determine what before was doubtful, are blessings for a world.

Mr. Chairman, it is contended by some that the act of Congress organizing the institution contemplated a library as the leading and paramount object of the plan. Sir, I do not so understand the law. I am unable to find anything in it which conflicts with the will of Smithson. The object of the law is declared to be to carry out his wishes as expressed in the will. It provides a general outline for the execution of the trust, but necessarily leaves much to the judgment of the regents, who are intrusted with the general management of the institution. It mentions a library, museum, &c., as objects to be regarded, but does not require that all the income shall be applied to the objects specially mentioned, or a particular amount to any one of them; and the ninth section expressly authorizes the regents to make such disposition of the income, not required to carry out the provisions specified elsewhere in the act, "as they shall deem best suited for the promotion of the purpose of the testator," which purpose is declared in the title of the act to be "to establish the Smithsonian *Institution*, (not *Library*,) for the increase and diffusion of knowledge among men."

The law does not specify the sum that shall be expended upon the museum, or any of the objects mentioned. No amount is required to be annually applied to a library, but there is a limitation that it shall not exceed a certain sum. It may be less, much less, but in no event more. Pains seem to have been taken to secure, for all time, the services of gentlemen of talent and standing upon the Board of Regents, and they are wisely and necessarily intrusted with some discretion in the expenditure of the income and the general management of the affairs of the institution. Take, as an example, the item of books. They are an article of trade,

and their prices fluctuate in the market as other articles of merchandise; one year it might be expedient to make large purchases, and another less. Who is to determine? Surely the Board of Regents would best know what to buy, when, and in what quantities, and the law very properly confers upon them such discretion. It does not require the rapid accumulation of a library; but, on the contrary, expressly provides, in the eighth section, "for the *gradual* formation of a library, composed of *valuable* works;" and that, sir, is exactly what I understand to be the wish and design of a majority of the present Board. Why, sir, the institution has already, by purchase and through the medium of exchanges, collected fourteen thousand volumes and eleven thousand parts of volumes, estimated to be worth $40,000; and if any regent or officer contemplates the abandonment of the *gradual* formation of a library of *valuable* works, as prescribed in the act of Congress, I am ignorant of the fact, and believe no such disposition is entertained.

While I am opposed to making the library the *principal and controlling* feature of the institution, I regard it as *one* of the important instruments to be used in accomplishing the desired end, and hold that it ought neither to be abandoned nor neglected. This was my opinion in the beginning. It is my decided opinion now.

But, sir, I do not understand that even the distinguished secretary of the institution, Professor Henry, who is generally supposed to be hostile to what is commonly called the library plan—especially favored by Mr. Choate and Professor Jewett—to differ essentially, or even materially, from my position upon this subject.

Professor Henry, in a late communication, solemnly assures the board that, so long as the present law of Congress remains unchanged, and until other means can be afforded for their support, he has no idea of proposing to dispense with a library, museum, or gallery of art. He expressly says, "A library such as the institution may collect by its exchanges, and judicious purchases, and a museum of special objects of research, though not absolutely necessary to carry on the active operations, would form one harmonious system, and could be properly supported by the present income."

I repeat, Mr. Chairman, that there is no disposition to destroy the plan of a library such as the law contemplates, but there is a disposition to prevent a library from overtopping and destroying other measures of equal or greater importance to the success of the institution—*and this is the*

whole issue. Sir, I am sure it is the sincere wish of those charged with the management of this institution, to conduct its affairs in such manner as will further the interests of science, and be productive of the greatest amount of good. It is their chief desire to carry out, in good faith, the design of the noble and generous Smithson, and the act of Congress made in furtherance of his *will.* Where that law is clear, it is implicitly followed; where doubts exist, that mode of action is adopted best calculated, in the judgment of the regents, "to carry out the design of the liberal and enlightened donor;" which design, in the clearest language, is declared to be, "the increase and diffusion of knowledge among men." Is it at all likely that such a high trust would be abused by a Board of Regents presided over by the Chief Justice of the United States, and composed of such men as Mr. Rush, Mr. Berrien, Mr. Hawley, Mr. Pearce, Mr. Douglas, Mr. Mason, Professor Bache, General Totten, and others of much less name but of equally good intentions?

It may be that the operations of the Smithsonian Institution have not attracted the public eye, or made a favorable impression upon the minds of the popular masses; but I have confidence in their judgment, and believe the reverse to be true. Be that as it may, it is certain that wherever science and literature are cultivated, the institution is becoming favorably known, and it is receiving the warmest commendations of gentlemen of the highest standing and most exalted scholastic attainments.

I might adduce much evidence to sustain this assertion, but believe the following will be considered ample and conclusive. The first extract I shall read is from a memorial recently presented to this House from the American Philosophical Society. "It appears to them," say the memorialists, "that the institution has been, since its establishment, ever honestly and wisely administered, and the funds expended to the best advantage in the fulfillment of the purposes of the trust. Your memorialists believe that, by diverting the funds of the said institution to the formation of a public library, its power of diffusing knowledge among men will be materially diminished, and that of increasing knowledge entirely destroyed. Our country abounds in men with intellects adequate to the discovery of new truths, and with tastes and educations which fit them for the development and beneficial application of all discoveries; but is, on the other hand, deficient in the means of encouraging such men to devote their time and energies to

a library. Such an application of the funds would, indeed, lessen the ability of the institution to accomplish its great object, which is declared by its founder to be, to increase and diffuse knowledge among men, to the full extent to which they may be spent unduly to increase the library. Moreover, American students have a just claim upon their own country for such local facilities as the accumulation of books affords.

"If I am allowed to state, in conclusion, my personal impression respecting the management of the institution thus far, I would only express my concurrence with the plan of active operations adopted by the regents, which has led to the publication of a series of volumes equal, in scientific value, to any productions of the same kind issued by learned societies anywhere. The distribution of *the Smithsonian Contributions to Knowledge* has already carried the name of the institution to all parts of the civilized world, and conveyed with them such evidence of the intellectual activity of America as challenges everywhere admiration; a result which could hardly be obtained by applying a large part of the resources of the institution to other purposes."

Mr. Chairman, with the following letter from Professor Benjamin Peirce, I shall yield the floor, satisfied to submit the question whether the Smithsonian Institution is being properly managed, to the judgment of Congress and the scientific world:

"Of all men, none can be more sensible of the value of the great storehouses of the wisdom of past ages than they who are obliged to resort to them in the development of their own researches. The knowledge which has already been given to the world, and which is accumulated in the library, stimulates and invigorates the mind for original thought, and supplies important materials for investigation. It is to the author what the collection of models in the Patent Office is to the inventor; but, nevertheless, the increase of knowledge depends chiefly upon the native vigor of intellect, and its diffusion is performed by the press. To the strong mind the collections of the Vatican are a golden opportunity, richer than the mineral harvest of California; but not richer than the hills and streams which abound within every man's sight; not richer than the stone beneath our feet on which is written the history of the world; than the leaf of the forest, on which is inscribed the thought of its Creator; or than the cloud in the lightnings of which the laws and the glory of God are as distinctly revealed to the faithful of the present generation as they were upon Mount Sinai.

"The valuable contributions to knowledge which have already been made by the Smithsonian Institution are a living proof that vast libraries are not necessary to the development of new thoughts. If you will compare these memoirs with the scientific productions of the same period in Europe, you may find them, perchance, inferior in erudition, but not in profoundness and originality of thought. Do you believe that Smithson, who was himself engaged in chemical investigations, could have intended a *library* by his words 'an institution for the increase and diffusion of knowledge among men?' If you will examine his nine memoirs to the Royal Society, of which he was an active member, and his eighteen other contributions to science, you will not find one of them which required a library for its production. Each was the natural growth of a deeply thinking mind. Smithson was emphatically a maker and not a collector of books; and in the scientific circle to which he belonged, the ordinary use of language would have totally precluded the interpretation which some men of quite a different cast of mind have presumed to impose upon his words. Expand his largeness of expression to its utmost extent, include in it all that a generous mind like his own would desire it to embrace; but let it

not be cramped and twisted out of shape, and so forced from its original design that it shall wholly fail to accomplish the object of the munificent testator.

"Most earnestly, then, in the name of science, and especially of Amercan science, do I protest against such a gross perversion of this important trust. I assure you, sir, that the great body of scientific men throughout the country warmly approve Professor Henry's plan of conducting the Smithsonian Institution, and regard it as a faithful exponent of the almost undivided opinion of scientific and learned men as to the proper execution of Smithson's will and of the law of Congress."

HOUSE OF REPRESENTATIVES, *March* 3, 1855.

Mr. UPHAM. Mr. Speaker, I would ask the unanimous consent of the House for leave, in this connection, to submit a report and accompanying papers from the select committee raised to investigate the management and condition of the Smithsonian Institution.*

There was no objection, and the report was received.

Mr. UPHAM. A minority report will be submitted; and I move that both reports be laid upon the table, and ordered to be printed. The motion was agreed to.

The following is the report made by Mr. Chas. W. Upham, of Massachusetts:

The Select Committee of the House of Representatives, to whom were referred the letter of the Hon. Rufus Choate, resigning his place as a regent of the Smithsonian Institution, with instructions to inquire and report to the House whether the Smithsonian Institution has been managed and its funds expended in accordance with the law establishing the institution, and whether any additional legislation be necessary to carry out the designs of the founder; the memorial of Lorin Blodget for a remedy against the Smithsonian Institution for labor and researches in physical science, made for the benefit of said institution; and the petition of John Grable and sundry others, citizens of St. Josephs, Missouri, praying for the publication of a monthly periodical, exhibiting the progress of knowledge and of society, and to be distributed by said institution among the people, beg leave to submit the following report:

The short time allowed for investigating the matters referred to the committee, and the pressure of other duties during the few crowded last weeks of the session, render anything like a full and thoroughly satisfactory report impossible. The transactions, to which their attention has been called, are so complicated in their nature and extensive

*Mr. Upham only signed this report. Mr. Witte and Mr. Taylor submitted another report, and Messrs. Puryear and Wells declined to sign either.

in their details, that it was soon found entirely out of the question to attempt to examine them with sufficient fullness and minuteness to be qualified or justified in pronouncing or even forming a decisive judgment on the merits of the questions involved. The evidence taken and submitted will guide the members of the House to so much of a conclusion on the several points and issues as the committee have been able to reach.

So far as the case of Mr. Lorin Blodget is concerned, the committee would observe that he does not claim to have made any explicit contract, in writing or in conversation, with the secretary of the Board of Regents; that the compensation he received appears to have been all that was ever expressly or distinctly agreed upon; and that as it respects the value of his labors above the compensation he received, or the degree to which he acquired any separate, private, scientific or literary property in any papers or documents prepared by him while in the institution, they have been wholly unable to derive any definite ideas from his statements. In reference to his assertion that certain equitable or legal rights are withheld from him, the committee can only say that, although the hearing afforded him occupied a large portion of their time, he failed to make his own view of the point clearly intelligible, and that it is utterly impossible for them at this period of the session to enter into such an examination of the vast amount of documents, resulting more or less from his labors, as would be necessary in order to begin to form an opinion. An impartial arbitration by scientific persons would, if the committee may be allowed to offer a suggestion to the Board of Regents, probably be the best way to determine whether there is any foundation for the complaints he makes, or for the claim of rights which he imagines himself to possess. The committee feel it due to candor to say that they have not been able to appreciate any clear ground for his claims, but due also to justice to say that he is unfortunate in not having a facility in rendering easily intelligible the ideas which he very earnestly, and no doubt very honestly, entertains on the subject. Indeed, a personal, laborious and patient examination, by direct inspection, of the records, tables, maps and other papers or documents, in which he avers that he has rights that are withheld, and claims for compensation beyond what he acknowledges to have received, will be found absolutely indispensable to enable any one to understand precisely what he means, or to determine whether there is any foundation for his claims, either of authorship or for compensation. The

committee would have been willing to encounter the task; but the want of time absolutely forbids the attempt, and, after all, it would, perhaps, have been useful scarcely for any other purpose than to satisfy their own minds. They could not advise, in any event, the action of Congress upon the subject, as the whole transaction, according to Mr. Blodget's own account, was, from first to last, placed and kept by him in the discretion and decision of the Board of Regents.

In discharging the main part of their duty, relating to the management of the institution, whether it has been in accordance with the law, and to the question, whether any further legislation is necessary, the committee will, in the first place, present such a history of the whole matter, as will, in conjunction with the evidence presented in the appendix to this report, enable every member of the House to form a judgment on the subject.

[The committee then reproduce the will of James Smithson and the act to authorize the President of the United States to accept the bequest, and pledging the faith of the United States to use the funds as directed in the will of the testator, and then proceeds:]

It will be perceived that in the foregoing act the Government of the United States pledged itself that "any and all sums of money and other funds which shall be received for or on account of the said legacy *shall be applied* in such manner AS CONGRESS may hereafter direct," &c. It is presumed that it is our duty to consider, not whether the funds have been applied to such objects, and in such way as Congress *ought to have directed*, in the opinion of any individuals, but to such objects and in such a way as Congress, in fulfilment of the foregoing pledge, *has directed*. The next step, therefore, is to ascertain what was the determination of Congress on the subject.

Great caution and deliberation were exercised in determining the matter. The country felt that it was a solemn and momentous trust. The gratitude, pride, honor, and wisdom of the nation were involved; not only the then present generation, but future ages were interested. The field to be surveyed was the whole country, and the whole world beyond the limits of the country. It was obvious that the nature of our institutions presented some peculiar difficulties in the way of executing the trust. If the testator had understood, as indeed but few foreigners ever have done, those difficulties, he might, perhaps, have made some ar-

rangement to avoid them. It is clearly not within the sphere allotted to this Federal Government to enter the fields of science and literature. In point of fact, the action of Congress in accepting the bequest, and agreeing to carry it into execution, was justified at the time on the ground of its peculiar and complete jurisdiction over the District of Columbia. More than ten years were consumed in discussions, debates, and conflicting views and schemes, in and out of Congress.

A few of the prominent facts illustrating this stage of the case will be cited. On the 19th of July, 1838, the Secretary of State, by direction of the President of the United States, addressed letters to a number of the distinguished men of the country thought to be best qualified to advise on the subject. Answers were received from John Quincy Adams; Francis Wayland, D.D., president of Brown University; Dr. Thomas Cooper, of Columbia, South Carolina; Hon. Richard Rush; and President Chapin. The diversity of views which must ever be expected in reference to such a subject, was revealed, in all its extent, at the very outset. Mr. Adams recommended an observatory; President Wayland a higher university; Dr. Cooper a university, and, to escape constitutional objections, to transfer the fund to the corporation of Georgetown; Mr. Rush recommended a more complicated system, for the collection from all countries, through ministers, consuls, and naval and military officers, of seeds and plants, objects of natural history and antiquities; a standing board of the chief officers of the Government; the institution to have a printing press; the board to determine what should be printed; the democratic principle, as developed in our institutions, to be particularly discussed; lecturers to be appointed by the President and Senate, with salaries large enough to command the highest talent; a certain number of young men from each State to attend the lectures, their expenses being paid by the institution, &c. President Chapin was in favor of professorships being established on a liberal scale; a library, apparatus, and an astronomical observatory.

On the 14th of December, 1838, a memorial was presented to Congress recommending an agricultural institution, with a large farm, beet-sugar manufactory, mill, workshops, &c. As propositions multiplied, the difficulties in the way became, at each step, and in view of every scheme, more and more apparent.

In January, 1839, Congress began to grapple with the subject. The university plan was defeated in the Senate

on the 25th of February, 1839. Congress provided for an observatory out of its own funds, and that matter was disposed of and taken out of the question. An institution like the Garden of Plants at Paris was strongly urged in the Senate, but the proposition did not prevail. In 1845, Mr. Choate proposed in the Senate the library plan, and it passed that body on the 23d of January. In the House, several members offered different propositions. One proposing a normal school was rejected—yeas 72, nays 42; one proposing lectures and professors was rejected—77 to 42. The plan of lectures, as a leading feature, was rejected by similar strong votes on several occasions.

[Various bills were reported, substitutes offered in both houses, and sundry amendments made, until in August, 1846, a bill as passed by the House was passed by the Senate without amendment, and became THE LAW on which the institution has existed to the present date. The committee then quote the act approved August 10, 1846, and proceed :]

The foregoing act of Congress is "the law establishing the Smithsonian Institution." It is the directory which the regents are bound to follow in administering its affairs and applying its funds. An idea seems to have crept into the discussions that are prevalent on this subject, that the will requires one thing and the law another. There can be no ground for this distinction, as a few words will show.

The will declares a certain object, namely, "for the increase and diffusion of knowledge among men." In accepting the bequest, the Government of the United States pledged its faith that the funds should be "applied as Congress may hereafter direct, to the purposes of founding and endowing at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men."

The act establishing the institution also inserts into its title, and into its body, the words of the will, so that whatever the will requires the act ordains, and there can be no conflict between them. No one can question the obligation of those who administer the institution, under the act, to assume that its requirements are in accordance with the will, and to carry them out, in good faith and good earnest. So far as the act leaves the officers, who exist by its authority, to their discretion, that discretion is to be guided by their sense of the import and design of the language of the will. All in the will that relates to the subject is incorporated into the act. We have occasion, therefore, to look

only at the act, in ascertaining the duty of those who administer the affairs of the institution, and there can be no ground for a controversy in reference to the meaning of the will, as against the act, or *vice versa*.

The will and the two acts of Congress that have been spread out on the foregoing pages in full, interpret themselves to the common sense and adequate apprehension of every reader. It is only necessary to regard the words as used in their ordinary sense, to avoid a mental interpolation of language not in the text, and to allow its natural meaning to flow out from all the language used in the instrument. In this spirit of fair and unstrained interpretation, we propose to consider for a moment the language of the act establishing the Smithsonian Institution, of which different and conflicting interpretations are advocated.

The word "INCREASE" is held by some of the zealous combatants in the Smithsonian controversy to be identical with "DISCOVERY." The idea seems to be that knowledge can only be *increased* by the *discovery of new truth.* This is an arbitrary and untenable position. A mind experiences an increase of knowledge if it knows more than it did before, although all the ideas it has received may be in the commonest text books. There has been an increase of knowledge in the school, in the congregation, in the lecture room, if ideas not before known to them have been received into the minds of the hearers; even, indeed, it matters not if those ideas have been recorded for thousands of years in languages, classical or sacred, that have been dead long ago. Knowledge has been increased, if one mind has received more, whether it be new or old truth. The language of Smithson is perfectly simple, and in its natural sense covers the whole ground—it includes, but does not require, *new* truth. Truth discovered a thousand years ago is as good as truth discovered yesterday. Knowledge embraces it all alike, and Smithson's object was to carry knowledge where it was not before, and to increase it where it was; to spread it over a wider area, and to a greater depth.

In like manner a particular meaning has been crowded upon the word "KNOWLEDGE"—not its ordinary meaning in common usage; but a narrow, technical, and special meaning. This has been done by confounding it with "SCIENCE." It is true that, in their primitive origin, or roots, in the languages from which they are derived, these words may be identical in their meaning, but not so as actually used in common conversation and familiar and general literature. "Knowledge" is all-comprehensive—embracing science, art,

literature, politics, business, the whole world of nature and culture, the entire realm of facts and reality, all ages and all that they have contained. "Science" is almost universally employed to denote those branches of knowledge which are systematized into a distinct organization or arrangement, based upon definite principles, and reduced to particular rules. In the progress of knowledge new sciences are added to the list, and in the establishment of new classifications the boundary lines are altered. There is a vast amount of knowledge not included in any science. Further, the word *science* is sometimes used to embrace only a part of what, in a broader sense, is included in the sciences. It is getting to become quite generally used to denote what are called the physical sciences, excluding political, moral, and intellectual science—excluding history, the arts, and all general literature. Surely, it cannot be maintained that "knowledge" was used by Smithson as merely identical with "science" in this last mentioned and most limited sense.

The words "among men" were used merely to corroborate the idea expressed by the word "diffusion." They do not necessarily imply that the institution should confine itself to world-wide operations. The word is not, as some seem to suppose, "mankind," but "men;" and he diffuses knowledge "among men" as truly, and in as full a sense, when he enlightens the minds of his neighbors, as of persons at the farthest pole. He best fulfils the idea of Smithson who increases human intelligence, whenever and wherever he has an opportunity, in every circle of influence, however near or however remote.

The seventh section of the act establishing the institution has given occasion to a difference of interpretation that has been brought to the notice of the committee. The section relates to the duties and powers of the secretary, and goes on to say that "the said secretary shall also discharge the duties of librarian and keeper of the museum, and may, with the consent of the Board of Regents, employ assistants; and the said officers shall receive for their services such sums as may be allowed by the Board of Regents, to be paid semi-annually, on the first days of January and July; and the said officers shall be removable by the Board of Regents whenever, in their judgment, the interests of the institution require any of the said officers to be changed."

The committee cannot but think it strange that, in the face of this express language, it has been made a question

where the power of removal is lodged. "Said officers shall be removable by the Board of Regents." Can anything be plainer? In defence of the idea that the secretary can remove his assistants, a practice is cited in certain departments of the Government where the power of removal is exercised by intermediate officials. But there is no analogy, inasmuch as the Constitution of the United States is silent in reference to the removal of such officers. But the constitution of the Smithsonian Institution is not silent, but expressly defines in whom the power to remove the assistants of the secretary resides—namely, in the Board of Regents. They have no more right to delegate, or pass over to another that power, than they have to transfer any of their other functions.

The concluding sentence of the eighth section of the act is as follows:

> "And the said regents shall make, from the interest of said fund, an appropriation not exceeding an average of twenty-five thousand dollars annually, for the gradual formation of a library, composed of valuable works pertaining to all departments of human knowledge."

The expression, "not exceeding," is in constant use in the legislation of Congress, and in all legislation everywhere, in which appropriations are made, and it will not be disputed that, in all instances, the expectation and general understanding of the legislature is, that about the amount thus specified will be expended—the word "average" can only be considered as indicating the expectation of the legislature that the sum expended in some years might exceed twenty-five thousand dollars—the word was used in order to give the managers authority, in case a sum less than $25,000 were expended one year, to expend just so much more the next, and *vice versa*. No doubt, we think, can be entertained that the framers and enactors of the law expected that about $200,000 would be expended "for the gradual formation of a library, composed of valuable works pertaining to all departments of human knowledge," in eight years. If the law does not contemplate that the annual expenditure for the formation of a library shall be something like $25,000, any other figures might as well have been used. If the administrators of the law are at liberty to spend as little as they please for a library, in the face of the sum thus indicated in the law, they would have been equally at liberty whatever sum might have been named, whether $30,000 or $40,000. In other words, if the clause of the act under consideration can be construed as justifying an annual average expenditure for the gradual

formation of a library of less than $2,000, any intermediate sum between that and the entire income of the fund would have been of equal authority and significance, as indicating the intention of the legislature, whichever of the said intermediate sums might have been inserted in the act. That is to say—those who maintain that the language and design of the act are carried out by expending less than $2,000 annually for books, assume and assert that it would not have altered the sense of the act had $2,000 or $10,000 or $40,000 been the sum actually named in it, instead of $25,000!

The ninth section of the act is as follows:

"*And be it further enacted*, That of any other moneys which have accrued, or shall hereafter accrue, as interest upon the said Smithsonian fund, not herein appropriated, or not required for the purposes herein provided, the said managers are hereby authorized to make such disposal as they shall deem best suited for the promotion of the purpose of the testator, anything herein contained to the contrary notwithstanding."

The discretion allowed to the managers in the latter part of this section must be considered as limited, in some sense by the word "other," applied to "moneys," and more definitely and more absolutely by the clauses, "not herein appropriated," and "not required for the purposes herein provided."

The meaning of the ninth section seems to us to be simply this—that if, after all has been done required by the foregoing provisions of the act, that is, for the maintenance and preservation of a geological and mineralogical cabinet, a laboratory, library, gallery of art, lecture room, lectures, the purchase of books on the scale indicated in the eighth section, and the discharge of all current obligations, an unexpended balance of the annual income remains, the managers may do with it just what they please; may expend it upon books if they like, even although the expenditures for that object may have already reached the assigned limit, or upon any objects not named or alluded to in the act, if, in their judgment, "suited for the promotion of the purpose of the testator."

The committee are wholly unwilling to enter at all into the discussion of the private grievances, or personal controversies, or official misunderstandings which were brought before them in the course of the investigation. They regard the evidence that was educed on these matters as important only because it illustrates the difficulties encountered in administering an institution of this sort upon the plan that has been attempted. They are particularly desirous to have it understood that they attach no blame to any person, in

any quarter; the evils are the result of the system. At the same time they do not cast blame or censure of any sort upon those who suggested, and have labored to carry out, that system. The design was, in itself, commendable and elevated. It has, unquestionably, been pursued with zeal, sincerity, integrity, and high motives and aims, but it is, we think, necessarily surrounded with very great difficulties.

There is nothing in our constitutional system that authorizes this Government to enter the sphere of literature and science. Education is left to the States. This Government cannot, without violating the principles on which it rests, become, directly or indirectly, through its official agents or in the expenditure of funds, a censor of any department of the press, an arbiter of science, or a publisher of works of mere literature or philosophy any more than of morals or theology.

No amount of money that could possibly be raised would enable this Government to perform these functions, with a just, equal, and liberal hand, for the benefit of all departments of knowledge. Of course, it has no right to make discriminations; not only natural history and physical science, but every branch of learning and inquiry has a right to demand patronage, if it is extended to any. Whatever project in this line may be attempted will be found surrounded with insuperable embarrassments. If, for instance, the funds of the Smithsonian Institution should be appropriated in the manner proposed in the petition from citizens of Missouri, referred to this committee, for the preparation and distribution of a monthly report of the general progress of knowledge, who shall write those reports? To what school of philosophy, or medicine, or politics shall he belong? Shall he confine himself, as the Smithsonian Institution has, for the most part, very wisely done, to particular provinces of natural science, to reptiles, defunct species of animals, mathematical and astronomical computations and researches, to aboriginal antiquities and the glossaries of vanishing tribes of Indians, or shall he rise above dead and brute nature, and treat the subject of MAN, of civil society, of government, of politics, and religion? If he confines himself to the former, not one in ten thousand of the people will be interested or satisfied; if he attempts the latter, he is on forbidden ground, and cannot escape being torn to pieces by parties, sects, and sections.

Moving in the most cautious manner, acting within the

most limited sphere, grudges are multiplied, jealousies engendered, resentments kindled, and complaints encountered in all directions. Authors whose pieces are rejected will be likely, in the course of time, to outnumber those who are admitted to the favored circle; one man has the gratification of seeing his works printed, at the public charge, in a splendid style, and circulated, without trouble or expense on his part, to all the learned societies and persons of Christendom, and of feeling that a world-wide reputation is secured to him; but others, whose treatises have been condemned by a secret tribunal, and returned with the stigma of rejection, are brooding in sullen, or breaking out in vehement resentment and indignation.

Men of genius are sensitive—scientific authors and discoverers particularly so. To attain to great excellence in any department, it must be studied and prosecuted with exclusive and all-absorbing zeal. There is a divinity in truth, and whoever attains any portion of it is prone to worship it with a concentrated devotion, and to cherish it as more precious than all things else. However minute the objects, or narrow the provinces, or apparently useless the results of the researches of the man of science, he is wholly wrapt up in them, and feels, to his very heart's core, that nothing transcends them in importance. This makes him sensitive to reputation, tenacious of rights, and morbidly alive to any encroachment upon his labors or attainments. No office is more thankless than to attempt to arbitrate the differences of men of science—no offence more keenly resented than to discredit their claims or slight their productions. It is a curious circumstance, and most instructive in this connection, strikingly illustrating the fact we are presenting, that *James Smithson*, who was a fellow of the Royal Society, had made a will, leaving his whole fortune to that institution, which had honored many of his productions by publishing them in its Transactions. At length, certain papers offered to them for publication were refused. Under the sting of resentment and wounded pride, he changed his will, and left his fortune to the United States of America. In this way a harvest of dissatisfaction and animosities is constantly maturing. Patronage in politics is the fatal bane of parties. In literature and science it works disastrously, in all directions—upon him who dispenses, upon those who receive, and upon all from whom it is withheld.

The organization of the Smithsonian Institution is as follows:

The "Establishment," by the name of the "Smithsonian Institution."

FRANKLIN PIERCE, President of the United States.
——— ———, Vice President of the United States.
WILLIAM L. MARCY, Secretary of State.
JAMES GUTHRIE, Secretary of the Treasury.
JEFFERSON DAVIS, Secretary of War.
JAMES C. DOBBIN, Secretary of the Navy.
JAMES CAMPBELL, Postmaster General.
CALEB CUSHING, Attorney General.
ROGER B. TANEY, Chief Justice of the United States.
CHARLES MASON, Commissioner of Patents.
JOHN T. TOWERS, Mayor of the city of Washington.

HONORARY MEMBERS.

ROBERT HARE, WASHINGTON IRVING, BENJAMIN SILLIMAN, PARKER CLEAVELAND.

BOARD OF REGENTS.

——— ———, Vice President of the United States.
ROGER B. TANEY, Chief Justice of the United States.
JOHN T. TOWERS, Mayor of the city of Washington.
JAMES A. PEARCE, member of the Senate of the United States.
JAMES M. MASON, member of the Senate of the United States.
STEPHEN A. DOUGLAS, member of the Senate of the United States.
WILLIAM H. ENGLISH, member of the House of Representatives.
DAVID STUART, member of the House of Representatives.
JAMES MEACHAM, member of the House of Representatives.
——— ———, citizen of Massachusetts.
GIDEON HAWLEY, citizen of New York.
J. MACPHERSON BERRIEN, citizen of Georgia.
RICHARD RUSH, citizen of Pennsylvania.
ALEXANDER D. BACHE, member of the National Institute, Washington.
JOSEPH G. TOTTEN, member of the National Institute, Washington.

The active government of the Institution is in the hands of the following officers and committees:

FRANKLIN PIERCE, *ex-officio* Presiding Officer of the Institution.
ROGER B. TANEY, Chancellor of the Institution.
JOSEPH HENRY, Secretary of the Institution.
——— ———, Assistant Secretary, in charge of Library.
SPENCER F. BAIRD, Assistant Secretary, in charge of the Museum.
ALEXANDER D. BACHE, JAMES A. PEARCE, JOSEPH G. TOTTEN, } Executive Committee.
RICHARD RUSH, ——— ———, WM. H. ENGLISH, JOSEPH HENRY, } Building Committee.
W. W. SEATON, Treasurer.

The committee feel it their duty to submit a few remarks in relation to this organization.

It appears by the evidence that so much of it as is called the "Establishment" has never performed any part whatever in the administration of the Institution. It is obvious that those regents who reside at a great distance from Washington can have but little to do with its management. Those

of them who are members of the Senate or House of Representatives, unless their residence, during the recess of Congress, is in the vicinity of Washington, cannot be expected, for the most part, to have that influence over its operations which those who reside permanently at the seat of government, or in its immediate vicinity, will more naturally exercise. The Executive Committee is the body in which the government substantially exists.

It may well be questioned whether it is expedient to surround such an institution with an array of high official dignitaries. Their great offices and characters are committed to all the proceedings of the institution, while it is impossible for them to give much time and attention to their examination. When the venerable Chief Justice of the United States, after hearing both parties and a thorough scrutiny of the merits of all questions involved, and in the exercise of the high function to which his life is consecrated and set apart, pronounces a solemn judgment from the bench, we bow to his learning and wisdom; but it may, perhaps, be doubted whether it is expedient to attempt to make him responsible for all the doings of an institution entirely out of the sphere of his duties and pursuits, and with whose officers he cannot have much communication. As it has been ascertained that the institution is not a corporation, and its anomalous character in that respect may give rise to perplexing and unforeseen difficulties that will reach the legal tribunals, it may well be questioned whether that august judicial personage ought to be mixed up at all with its business details.

If the institution could be organized in a simpler form, and its secretary made the head of a bureau in the Department of the Interior, and subject, like other heads of bureaus, to the Secretary of the Interior, he might pursue substantially the same course as at present, if that should continue to be thought advisable, with a clearly ascertained line of duty and responsibility, and a full adjustment of all his relations, above to the head of the department, around to his associates, and to all subordinates of every grade. This, however, we desire to have considered as a mere suggestion, made in passing. If all other plans are found defective, and beset with inconveniences, this may, at some future day, be tried in the last resort.

Whatever arrangements may be made for the administration of the institution, it is of extreme importance that the relations among the several officers attached to it be defined and settled by law, or, at any rate, by by-laws. In every

organization to which several officers are attached such a provision is highly desirable, but pre-eminently so where the said officers are gentlemen of scientific and literary attainment and reputation. The spirit of self-respect and a sensitiveness to personal rights prevail nowhere with greater keenness and intensity than in the republic of letters.

The Smithsonian Institution stands on a different footing from any in this country, and, in some particulars, especially in regard to the peculiar character of our Government, in any other country. In some leading features it, perhaps, bears a closer resemblance to the British Museum than to any other. The recent history of that institution may, perhaps, be found instructive to us.

The British Museum was founded about a hundred years ago, upon the conditional bequest by an individual of property less in amount than the bequest of Smithson. It has since received some two millions of pounds sterling of the public funds.

Within the last twenty years there have been two select committees of the House of Commons and one royal commission appointed to inquire into the condition, management, and affairs of this institution.

Its government is vested in a board of trustees, in number forty-eight, one of whom (H. R. H. the Duke of Cambridge) is directly named by the crown, twenty-three are regents *ex officio*, nine are named by the representatives or executors of parties who have been donors to the institution, and fifteen are elected.

The following is a list of the trustees:

EX OFFICIO.

The Archbishop of Canterbury, the Lord Chancellor, the Speaker of the House of Commons, principal trustees; the President of the Council; the First Lord of the Treasury; the Lord Privy Seal; the First Lord of the Admiralty; the Lord Steward; the Lord Chamberlain; the Colonial Secretary of State; the Foreign Secretary of State; the Home Secretary of State; the Bishop of London; the Chancellor of the Exchequer; the Lord Chief Justice of the Queen's Bench; the Lord Chief Justice of the Common Pleas; the Master of the Rolls: the Attorney General; the Solicitor General; the President of the Royal Society; the President of the College of Physicians; the President of the Society of Antiquaries; the President of the Royal Academy.

FAMILY TRUSTEES.

The Earl of Cadogan, Lord Stanley, Sloane family; George Booth Tyndale, Esq., Rev. Francis Annesley, Cotton family; Lord H. W. Bentinck, the Earl of Cawdor, Harlein family; Charles Townley, Esq., Townley family; the Earl of Elgin, Elgin family; John Knight, Esq., Knight family.

ELECTED TRUSTEES.

The Earl of Aberdeen; the Earl of Derby; the Duke of Rutland; the Marquis of Lansdowne; Sir Robert Peel, bart.; the Duke of Hamilton;

Sir Robert H. Inglis, bart.; Henry Hallam, Esq.; William R. Hamilton, Esq.; the Duke of Sutherland; the Right Hon. T. B. Macaulay; William Buckland, D. D., Dean of Westminster; the Right Hon. Sir David Dundas; the Right Hon. H. Goulburn; the Marquis of Northampton.

Complaints against the management of the institution became so prevalent that, notwithstanding the mighty array of elevated functionaries and illustrious literary and scientific persons behind which it was entrenched, it became necessary for the House of Commons to turn its attention to it.

On the 27th of March, 1835, it was ordered in the House of Commons, "that a select committee be appointed to inquire into the condition, management, and affairs of the British Museum," with power to send for persons and papers. The committee consisted of thirty-three, including many of the leading men of the House.

The committee held nineteen meetings, and on the 6th of August, 1835, reported a mass of testimony making a folio volume of 623 pages.

On the 11th of February, 1836, the subject was again taken up, and became the occasion of a debate. Among other complaints made by members, it was affirmed that the statement made by Sir Humphry Davy was correct, "that the Archbishop of Canterbury, the Lord Chancellor, and the Speaker of the House of Commons were considered as the real acting governors of the institution." A new committee of fifteen was appointed, composed of distinguished persons, and authorized to send for persons, papers, and records. It held twenty-eight meetings, and reported to the House of Commons on the 14th day of July, 1836. Certain improvements were made in the condition of the institution, as the result of these parliamentary proceedings.

The public mind seems to have become again excited on the subject, by complaints arising from the community and from officers of the institution; and in 1847 a royal commission was formed, consisting of four noblemen and eight commoners, all eminent persons. They prosecuted their researches with great diligence, and the result of their labors, in 1850, was a folio volume of more than 1,000 pages. The whole number of questions and answers is 10,933. The chairman of the commission was the Earl of Ellesmere. He presented an elaborate, full, and independent report. One or two extracts may be read with advantage by those who have the management of literary and scientific institutions:

"Such a board of trustees, to any one who considers the individuals who compose it, with reference to their rank, intelligence, and ability, would give assurance rather than promise of the most unexceptionable, and, indeed,

wisest administration in every department. High attainments in literature and in science, great knowledge and experience of the world and its affairs, and practiced habits of business, distinguish many of them in an eminent degree; and it would be unjust either to deny the interest which all of them feel in the prosperity of the institution or refrain from acknowledging the devoted services which some of them have rendered in its administration. But, on the other hand, absorbing public cares, professional avocations, and the pursuits of private life, must, in many instances, prevent those individuals whose assistance might have been best relied on from giving anything like continued attention to the affairs of the institution."

While the report alludes, in the above language, to the inability of such official persons, in general, to attend with sufficient particularity to any extra business incidental to affairs out of the sphere of their more appropriate duties, it makes an exception in favor of the Archbishop of Canterbury, who, in the words of the report, "gave to its affairs more time and attention than we could have supposed it possible for a person the most active to have spared from his momentous and sacred duties."

The commissioners dwell at length upon the fact that the trustees were not in the habit of communicating directly with any other officers of the institution but the secretary, as in the following passage:

"The secretary attends all the meetings, and the officers of the establishment, generally, are perfectly aware of the extent of his influence and control over the business, while he has no direct responsibility for the conduct or actual state of any department.

"There may be many cases, certainly, in which it is not expedient only, but necessary, that the board should deliberate in the absence even of the principal librarian, or of the heads of departments; but there must be exceptional cases, and considering the persons who are heads of departments, and the knowledge and ability by which they are and ought to be distinguished, it seems impossible to suppose that the trustees would not derive the greatest assistance from immediate, full and unreserved communication with them on questions arising in the administration of their respective departments. We find, however, there is scarcely one of the highest officers of the institution who has not complained of systematic exclusion from the board when the affairs of his department are under consideration, as equally disparaging to himself and injurious to the interests of the department, giving no opportunity of explaining their reports or meeting the objections and criticisms to which they may have been subject; and their own absence, joined to that of the principal librarian, leaves them under the painful but natural impression, where their suggestions are disallowed, that the interests with which they are charged have not been fully represented. We cannot but ascribe to this cause the unfortunate and unseemly jealousies which the evidence shows to have long existed among the principal officers of the museum; their distrust in the security of the means by which they communicate with the board, their misgivings as to the fullness and fairness of the consideration which their suggestions receive, and their feelings of injustice done to their own department, arising, it may be, from an over zeal for its interests or over estimate of its importance.

Finally, they use this language in reference to what they judge to be the too overshadowing power allowed to the secretary by the trustees:

"From his control of the business, constant intercourse with the trustees, and attendance at all their meetings, he has arisen to be the most important officer in the establishment, though without that responsibility which attached to the principal librarian and the heads of departments. The influence possessed by this officer in the affairs of the museum has followed the usual course where the secretary is permanent, and where the administrative board is fluctuating, and must depend mainly upon the secretary for the information required in the dispatch of ordinary business."—(*Report of Commission.*)

The case of the British Museum confirms the conviction that whatever power is lodged in the secretary—and we do not advise to encroach upon or to diminish his authority—it is all-important to have it defined and guided, and guarded by express regulation. Gentlemen of education and refined sensibilities will be willing to conform to rules in the shape of law, but will always reluct against and resent the exercise of absolute and unrestrained power. Every American heart instinctively resists arbitrary authority; no reasonable mind objects to conformity to established regulations, and obedience to defined, permanent, and uniform rules. Beyond those rules the rights of a subordinate officer are as perfect as those of any other man. Within them he feels that it is no degradation to obey. It is not at all improbable that many of the difficulties that have been encountered in the British Museum and in the Smithsonian Institution have arisen not so much from lodging too much power in the secretary as from the absence of by-laws fully defining the powers, duties, and relations of all the officers employed in them. The committee is particularly desirous to have it understood that they feel justified in expressing a very decided opinion that the difficulties that have arisen, and which the evidence sufficiently discloses, in the bosom of the institution, and the dissatisfaction that may exist in some portions of the community, may safely be attributed to the causes just mentioned, and not in the least to any want of fidelity or zeal on the part of its managers.

As it respects the general policy advocated by the friends of a library to make it the prominent feature of the Smithsonian Institution, the committee are of opinion that the funds of the institution are sufficient to accomplish that object at a more rapid rate of gradual accumulation than heretofore, without essentially impairing the usefulness and efficacy of the policy pursued at present by the managers. Active operations, original researches, and the publication of scientific treatises, if the whole income were consumed in them, would have to be confined far within the limits of what would be desirable. A limitation must be suffered at some point within the income; and the satisfaction of the

country is of greater importance than a few thousand dollars, more or less, expended in either direction.

But a few words are needed to do justice to the value of a great universal library at the metropolis of the Union. Every person who undertakes to prepare and publish a book on any subject will be found to bear testimony to the need of such a library. The great historians and classical writers of the country have to send abroad, often to go abroad in person, in order to obtain materials for their works. All literary men are eager to inspect catalogues and explore alcoves in the prosecution of their favorite departments, and there is no direction in which they are more tempted to drain their generally quite moderate resources than in the purchase of books. Such a library as would be accumulated by an appropriation of $20,000 annually for twenty years, judiciously expended, would be frequented by scholars and authors in much larger numbers than persons not acquainted with their wants will be likely to suppose. In half a century it would give to America a library unequaled in value, and probably in size, in the world.

There is a special reason why such a library should be provided at this seat of the Federal Government. The annals of all other countries, running back into the past, are soon shrouded in fable or lost in total darkness; but ours, during their whole duration, are within the range of unclouded history. The great social, moral, and political experiment here going on, to test the last hope of humanity, is capable of being described in clear and certain records. The history of each State and Territory can be written on the solid basis of ascertained facts. In each State and Territory there are, and, from the first, have been, many persons who are preparing, and have published, works illustrative of the entire progress of those respective communities. In local histories, commemorative addresses, and the vast variety of productions of this sort, our literature is rich and ample beyond that of any other people. There is no way in which the patriotism and virtue of a people can be so effectually fostered and strengthened as by cherishing in their breasts an interest in their ancestry, in the incidents that have marked the fortunes of their States, their towns, and the scenes of their residence—the transmitted reminiscences of their homes and firesides. It would be a great and a good thing, could there be collected in a national library, in distinct alcoves, all valuable publications illustrating the history of the several States of this Union. Different processes of legislation, and various social and political

influences, have operated upon them severally, and the records of the results ought to be here for the inspection and instruction of the representatives of the people themselves, and of the whole world.

But, if every other description of books is avoided or crowded out, there is one which surely ought not to be. If the resources of the institution are to be exclusively or mainly devoted to science rather than to general literature and knowledge, it ought, at any rate, to have within its walls a perfect and universal library of science and art—not merely modern science and recent researches, but all the publications, of all ages and all countries, that illustrate the progress of science, as such. If we cannot have a universal library, give us, at least, a scientific library such as no other nation can boast.

One advantage of a liberal expenditure for a library, not to be thought lightly of in a government resting entirely on popular opinion, is that it results in something that shows for itself; the people can see in it what has become of the money. It would forever grow before their eyes, and, in all coming generations, from its unapproached and ever expanding magnitude, would be an object of perpetually increasing national pride. Under the present policy the funds disappear, as they are expended, however salutary their application may have been, and the only monuments are a few volumes, admirable no doubt in their form and substance, highly appreciated by scientific societies at home and abroad, but never seen by the people.

The short time allowed them, the necessary consequent inadequateness of their investigations and deliberations, and the impossibility of any legislative action by this Congress, restrain the committee from reporting any bill to the House; but, in view of all circumstances, as a measure of peace, as a mutual concession, which in such a matter is the only way of settling a difficulty, they would express their conviction that the compromise adopted at an early day by the Board of Regents ought to be restored, and that all desirable ends may be ultimately secured by dividing the income equally between the library and museum on one part, and active operations on the other.

The only other suggestion the committee have to make is the expediency, in order to avoid all embarrassment in future, to have each division of the institution placed under its proper and distinctive head. Let the secretary have charge of the active operations, preside over the scientific

researches, and direct the publications. Let the librarian have charge of the library and museum. If the two departments are thus separated, and placed under the control of well-devised and clearly defined regulations, never interfering with each other, but working freely and harmoniously in their respective spheres, each principal responsible only for his own province, and subject alike to a common head, whether the Secretary of the Interior or a Board of Regents, the institution would, we think, be found to work most auspiciously, and produce the best and greatest results.

Mr. WM. H. WITTE, of Penn., from the Select Committee, made the following report:

The Select Committee, to whom was referred the letter of the Hon. Rufus Choate, resigning the office of regent of the Smithsonian Institution, also the resolution thereon to inquire whether the Smithsonian Institution has been managed and its funds expended in accordance with the law establishing it, and whether any additional legislation be necessary to carry out the design of its founders, report—

[Mr. NATH. G. TAYLOR, of Tenn., concurring; and Mr. RICHARD C. PURYEAR, of North Carolina, and Mr. DANIEL WELLS, of Wisconsin, although not dissenting from all the views, preferred not to sign either this report or the report made by Mr. Upham alone.]

That they have made a patient examination of the institution, and have concluded that there is no just cause of complaint against the regents or the secretary, in regard to the construction of the act of Congress establishing the institution, and the plan of organization adopted by the regents, or the manner in which its affairs have been administered. The subjects included in the resolution may be appropriately arranged under the following heads:

1. The proper construction of the act of Congress establishing the institution.

2. The plan of organizing and administering the affairs of the institution adopted by the regents in pursuance of the law.

3. The question whether any new legislation is necessary.

4. The administration of this plan by the regents and secretary.

Of these the committee will treat in the order in which they are stated:

1. *The proper construction of the act of Congress.*

The question whether the bequest of Mr. Smithson should be applied chiefly to the formation of a great national library, or to researches for the *increase* of *knowledge*, and the publication and circulation of their results, for its *diffusion among men*, divided the opinion of the members of the Board of Regents at their first meeting. These differences of opinion were compromised at the organization of the institution by a resolution, which the regents have lately repealed.

That resolution provided, prospectively, and, on a contingency—which may be said to have just occurred, (the completion of the Smithsonian building)—for an equal division of the fund committed to the care of the Board of Regents between the two objects above stated: a national library, museum and gallery of art on the one hand, and researches, publications and lectures on the other.

This compromise resolution has been repealed by the Board of Regents during their present session, and instead of it they have adopted the following:

"*Resolved*, That hereafter the annual appropriations shall be apportioned specifically among the different objects and operations of the institution in such manner as may, in the judgment of the regents, be necessary and proper for each, according to its intrinsic importance, and a compliance in good faith with the law."

The adoption of this resolution was followed by the resignation of Mr. Choate, one of the regents, and in his letter of resignation, addressed to the Speaker of the House, he assumes that the act of Congress presented a rule of appropriation which is set aside by the resolution. Whether the Board of Regents or Mr. Choate are right in this respect must be determined by a reference to the act of Congress.

When it had created the institution, given it a corporate name, invested it with certain powers, subjected it to specific restrictions, provided for the erection of a suitable building, and directed an annual appropriation not exceeding $25,000 for the gradual formation of a library, it proceeded to declare that of *any other moneys accrued, or to accrue as interest on the fund*, not otherwise appropriated nor required for the purposes therein provided, the managers were thereby "authorized to make such disposal as they shall deem best suited for the promotion of the purposes of the testator, anything therein contained to the contrary notwithstanding."

Beyond any reasonable controversy, here is a discretionary and controlling power given to the Board of Regents

over the whole income of the fund, except only such portion of it as had been appropriated, or should be required for purposes provided by the act. To determine the extent of this discretionary power, it becomes necessary then to ascertain what appropriation had been made, and what purposes were provided by the act.

It directs the selection of a lot and the erection of a suitable building, but does not limit the amount of expenditure, nor make any appropriation for it. It provides "that in proportion as suitable arrangement can be made for their reception," the several objects specified in the 6th section shall be delivered to the order of the Board of Regents, and requires the arrangements and classification of them.

It directs the regents to appropriate "from the interest of said fund a sum *not exceeding* an average of $25,000 annually for the gradual formation of a library," and then places the whole residue of the increase of the fund at their disposal. Can this be doubted? For the various purposes provided by the act no appropriations are made. The library forms the only exception, and the sole limit of the discretionary power of the regents over appropriations for a library is that they shall not exceed an annual average of $25,000. Within that limit their discretion is full and entire. Suppose any appropriation made in any given year for the gradual formation of a library, can any one doubt that the regents have the power to make such an appropriation or so to limit it? And is there any reason why they might not limit the appropriation to a still smaller sum? They might, indeed, be liable to the charge of evading the law, if those appropriations were for mere nominal sums, so that in the course of a series of years no sensible progress could be made in the gradual formation of a library. But this is an extreme case, from which no argument can be drawn against their discretion to limit the appropriation for a library, while intending in good faith to provide for its gradual formation.

Then suppose them to apply an amount sufficient to meet all the expenses necessarily resulting from the provisions of the act, still there would remain a considerable sum not applied to any purpose. If the Board of Regents believe that its application to scientific researches and their publication be "best suited for the promotion of the purposes of the testator," can it be doubted that they would have the right so to apply it?

The ninth section of the act gives this power in full. When they have met the current expenses of the institution, from time to time made the necessary appropriations

for the buildings in process of erection, and, exercising their discretion within the limit prescribed to them, have made an annual appropriation for a library, what remains is placed at their "disposal," to promote the purposes of the testator by the use of such means as "they (the Board of Regents) shall deem best suited" to accomplish this object. In construing the act of Congress the committee confine themselves to the act itself—to the plain import of the terms in which it is expressed, and to the necessary results of the provisions which it contains. They do not resort to what is called its parliamentary history. The reported speeches of members upon the bill while pending in Congress, and even votes upon amendments made or rejected, do not answer this purpose. The first only disclose the individual opinions of the speakers—the second frequently do not exhibit the object of those who voted for or against the particular amendment. A speech made by one member is often at variance with the views of those who unite with him in voting for a particular provision. They frequently sustain it on other and different grounds. So too the majority or intermediate vote is frequently composed of the friends and opponents of the bill; the latter advocating a particular amendment with the hope and in the belief that it will prove an incumbrance to the measure in the view of some of its advocates, and thus contribute to its defeat; or they may think that a particular proviso proposed to be stricken out is unnecessary as being comprehended in some other part of the act.

A careful scrutiny of the proceedings of the House of of Representatives, while this law was pending before them, would show how unsafe a guide the resort to the parliamentary history of a bill would be in the ascertainment of its true construction. This may reconcile us to an adherence to those rules which the wisdom of ages has devised for the interpretation of statutes. We are endeavoring to ascertain the powers and duties of the Board of Regents, and to do this we seek to discover the true interpretation of the act of Congress and the will of Mr. Smithson, which, taken together, confer their powers and prescribe their duties. These two sources of power and duty are spoken of as necessarily connected; for, although the Smithsonian Institution was created by act of Congress, and will cease to exist whenever Congress shall think proper to repeal that act, yet both Congress and the institution, so long as it continues to exist, are bound to carry the intention of the testator into effect.

The trust has been accepted by Congress in behalf of the United States, and the faith of the United States has been pledged for its faithful execution "according to the will of the enlightened and liberal donor." While, therefore, Congress, acting as agents of the United States, have the power to divert the fund to purposes other than those which may be according to "the will of the liberal and enlightened donor," their right to do so can never be affirmed; and though the Board of Regents cannot and do not claim a right to place themselves in an antagonistical position to the Congress of the United States, whose sub-agents they are, yet in construing the act of Congress, if it will admit of two constructions, one of which seems to be most conformable to the purposes of the will of Smithson, the regents would not hesitate to accept such construction in preference to the other which does not conform to the will of the testator. This is merely the application of a principle universally recognized in the interpretation of statutes.

In the present case two constructions are given to the act of Congress. If the Board of Regents consider one of them to be more consonant to the purposes of Mr. Smithson's will, which was the source of the authority of Congress to legislate on the subject for any purpose, it ought to be adopted, since the act was passed evidently for the purpose of carrying into execution "the will of the donor," and especially when this interpretation affects two provisions of the act, which otherwise would be without object or operation.

The committee will now proceed to inquire whether the scientific researches, and the publication of their results, are, in the language of the acts of Congress, "best suited to promote the purpose of the testator." The question is between such researches, made and published at Washington, or examined under the authority of the institution, and circulated throughout the civilized world, and a great national library, to be established in this city. Mr. Smithson was a scholar, a man of science, an author of scientific memoirs, a contributor to the Transactions of the Royal Society of London, familiar with the language in which his will is written, and perfectly competent to decide upon the aptitude of words to convey the ideas they were intended to express.

It might well be expected that the language of such a man would be characterized by simplicity, by the absence of circumlocution and *periphrasis*, which is well described as the use of many words to express the meaning of one.

If he had intended to furnish to the people of the United States, and especially to the citizens of Washington, a great library, comprehending all that was then known in every department of human knowledge and culture, he would have said so in terms not to be misunderstood. The committee cannot doubt that if he had merely designed to provide for the purchase of books, to become, through the agency of the United States, the founder of a library, he would have used the simple language appropriate to such an intention. He would have said: "I bequeath the whole of my property, subject, &c., to the United States of America, to found, at Washington, a library, under the name of the Smithsonian Library."

It is difficult to believe that any man having such an object in view would have abandoned the plain, simple, intelligible language, in which no difference of construction could, by any possibility, have arisen, and have substituted for it the sentence which is found in his will, namely: "To found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men."

Again, Mr. Smithson was, as the committee have before said, a man of science, the author of scientific memoirs, a member of the Royal Society, and a contributor to its Transactions. What is more natural than that such a man should, when about to pass away from the scene of action, dedicate his property to the continued prosecution of those researches to which his life had been principally devoted. The words of the bequest are strongly corroborative of this view. It is for the "increase of knowledge," not merely for the acquirement of that which now exists. A library would subserve the latter purpose, but could only indirectly aid in the accomplishment of the former by enabling those who had mastered its contents to do what the board is now doing, namely—to prosecute researches for the *increase of knowledge*. But the terms of the bequest require not merely that it should be applied to the increase of knowledge, but also to its *diffusion*, and to its diffusion AMONG MEN.

The benevolent purposes of Mr. Smithson were not limited to the citizens of Washington, nor yet to the people of the United States. They had a far wider scope. A man of science belongs exclusively to no particular country. He is in one sense a cosmopolite, at home in all places where the votaries of science dwell, and under every clime they are the objects of his benevolence. They are *men*

among whom he desires the *increase* and *diffusion of knowledge.*

And he has provided for this in his will. How could a vast library established here accomplish this object? At most it would be accessible to the people of Washington, to casual visitors, and to those who came here for the purpose of consulting its volumes. How infinitely short would this fall of the purpose of the testator, which was first the *increase* and then the *diffusion* of knowledge among men of whatever country or whatever clime.

If a national library be a national want, who should supply it? Cannot Congress, which represents a population of twenty-five millions, with resources almost incalculable, and with a treasury not exhausted or impoverished, but overflowing with revenue? Can it not spare out of this abundance whatever may be necessary? Is it not now supplying that want in the great library of Congress, to which in the last three years they have appropriated more than *ninety thousand dollars?* It is accessible now to every scholar who may be at Washington, and will in a few years be so increased under the policy of its present administration as to supply many of the wants of the student and the scientific investigator. Shall a nation such as ours depend for this national want upon the bounty of a stranger? The generous impulse of the American heart will quickly prompt the answer—no.

The resolutions of compromise, as they were called, to which the committee have before alluded, were repealed by the Board of Regents before the period when by their terms they were to go into operation. What has been already said will show that the committee think that they were properly repealed. Their effect was to tie up the hands of the Board of Regents, to deny to the successors of those who passed them the exercise of that discretion with which the law invested the board, and thus to defeat the act of Congress by taking away that discretion in regard to the disposal of the fund which the law made it not only the right but the duty of the regents to exercise. Nor can there be any breach of faith in this repeal. The faith which the regents owe is to the law and to the purpose of the will of Smithson, and any arrangement of their own which should restrain them from promoting this purpose by the means which they deem best suited to it, would itself, in the opinion of the committee, approach more nearly to a breach of faith.

The regents, by pledging their faith to one another, can-

not escape from the obligation to apply the funds at their control to the objects which they deem best suited to promote the purpose of the testator. The act of Congress, according to the plain import of its terms, authorizes the Board of Regents to employ all moneys arising from the income of the endowment not therein appropriated nor required for the purpose therein provided, in such manner as they shall deem best suited for the "purpose of the testator," namely, "the increase and diffusion of knowledge among men," and this authority is rendered incontestible, in the judgment of the committee, by the concluding clause of the section which empowers the Board of Regents to exercise their discretion in the disposal of the surplus income, "ANYTHING HEREIN (the act of Congress) CONTAINED TO THE CONTRARY NOTWITHSTANDING."

This grant of the power imposes the obligation to exercise the discretion which it confers. Judicial tribunals would never reverse the construction of a statute, the terms of which were so plain and unmistakeable, by what is at all times dangerous, a resort to speeches made by a few of the lawgivers who framed it, or the votes of members actuated by motives beyond the scrutiny of the expounder. Looking, therefore, to the act of Congress itself, which, as was said by a Senator in a recent discussion, is best construed by "the examination and comparison of its various provisions and the admitted purpose of its enactment," the committee found no difficulty in coming to these conclusions on this point. They find in the law directions to the Board of Regents to erect, on a liberal scale, a building in which can be arranged collections of natural history, a geological and mineralogical cabinet, a museum, a library, chemical laboratory, gallery of art, a lecture room; and, of course, to use these various means of *increasing knowledge* in the manner and for the purpose to which they are adapted, and for which they are required. In effect the law says: "All other portions of the income dispose of as you may think best calculated to promote the purpose of the testator." A larger discretion can hardly be conceived. It is absolutely unlimited in relation to every one of its objects except a library, and to this the appropriations which the regents are authorized to make are limited to a maximum amount which they are not at liberty to exceed. It would seem to be most singular, if this had been the primary and cherished object of Congress that it should be the only one subjected to such a limitation.

It might be thought, if this had been their primary pur-

pose, that the restrictions would have been imposed upon the appropriations for other objects, leaving that for the library unfettered. If we turn from the act of Congress to the will of Smithson to determine the manner in which the trust should be executed, if we look to his antecedents and find that he was himself a searcher into the mysteries of nature which science is laboring to develope—not so much employed in studying the pages of those who have written as striving to read the unwritten pages of nature's book—if we consider the plain and obvious import of the simple language in which his wishes are expressed, and contemplate the benefits to result from one or the other scheme of appropriation which have been in controversy; if we consider these things, we cannot doubt that it is both the right and the duty of the regents, resulting from the will of Smithson and enjoined by the act of Congress, to appropriate such portion of his funds as they can advantageously employ in scientific researches and the publication and circulation of the results "among men," wherever men exist capable of appreciating them, while, at the same time, they apply another portion of the fund, according to a sound and honest discretion, to the particular purposes specified in the act.

Thus they will not depart from any plan devised by Congress and prescribed in the act, as Mr. Choate seems to have erroneously supposed, but will fill up and develope that very plan, of which only some of the outlines were sketched in the law.

It would be impracticable, within the limits proper to this report, to go into the examination of the minute outline of organization of the institution submitted to the Board of Regents by the secretary, and approved by them. It will be found printed in detail in the appendix to the eighth annual report of the Smithsonian Institution, published by Congress in 1854.

A brief notice of the plan and of its results is all that we can here present.

The object of the plan is, first: To increase knowledge by stimulating original research by the rapid and full publication of results; by aid in procuring the materials and appliances for investigation; and, if necessary, by direct rewards.

Experience has shown that no other means are so effective in stimulating research as the rapid publication of results; not in a stinted form of abstract, and without illustrations, (too often the necessary condition of the publication of scientific labors,) but in full, with illustrations drawn, engraved,

and printed in the best style of art. How many investigations are stopped for the want of instruments, of specimens, and general appliances for research? How many are laid aside, because, first of all, men must live? What more noble or useful object for the Smithsonian Institution than to remove these difficulties from the path of genius? What more consonant to the intention of the founder: An expedition is setting out, and instruments are required to investigate the magnetism of the earth, the temperature of the ocean, the climate, soil, and productions of places explored, their latitudes and longitudes, heights, &c. These instruments are lent or furnished by the Smithsonian Institution, and the results obtained with them become public property. Means are furnished to explorers to make collections of minerals and ores; of plants and animals; of fishes, reptiles, and insects; and to provide for their transportation from the field. These collections are submitted to the most successful cultivators of the branches of science to which they belong; to men who have made these objects their especial study, and their investigations are made public. The specimens are returned to the Smithsonian collections to be taken care of, and, perhaps, to be re-examined at some more advanced period. By these and similar modes research is stimulated. The provision of meteorological instruments, and of instructions for their use; the collections of the observations made, and their comparisons, have already furnished most important information in regard to the climate and storms of the United States, and the full publication of the results will enable men of science, of this and other countries, to draw from these materials most valuable inferences and laws.

2. To *diffuse knowledge*, by the publication of the contributions, from researches and explorations, of reports on treatises on different subjects or branches of science and its application, of reports showing the history and progress of these subjects or branches, is the second object of the "active operations." These publications diffuse among men the knowledge obtained by the agency of the institution, or from without. The subjects which have been already embraced in the Smithsonian Contributions, and in the different volumes of reports, &c., have been numerous and well distributed among the various branches of knowledge, the abstract and the practical. The publications are widely scattered among the institutions of this and of other countries, given to them or exchanged for their proceedings, transactions, or other publications, and accessible at moderate rates to individuals. Of the impression made abroad by the Smithsonian Contri-

butions to Knowledge the learned Professor of Greek of Harvard University [C. C. Felton] thus speaks:

"CAMBRIDGE, MASS., *June* 30, 1854.

"I have but recently returned from Europe, and I now desire to acknowledge the service you did me by your circular letter of introduction to the librarians of the European establishments, which are in correspondence with the Smithsonian Institution. Wherever I presented it I was received with great kindness and attention, and had the opportunity of seeing whatever was curious, interesting, and valuable, in the libraries and collections.

"It gave me pleasure to notice the high estimation in which the Smithsonian Institution, under its present management, is held everywhere in Europe. The volumes published under its auspices have done the highest honor to American science, and are considered most valuable contributions to the stock of knowledge among men. They are shown to visitors as among the most creditable publications of the age, and as highly interesting illustrations of the progress of science and the arts in the United States; and the eagerness to possess them is very great among the savans of the Old World. They were shown to me wherever I went, and the commendations bestowed on the civilization of America, as evinced by the excellence of these works, both in matter and form, was deeply gratifying to me. The last time I had an opportunity of seeing them was in the university library at Athens; the librarian pointed them out to me, and expressed the greatest anxiety to complete the set, one or two volumes of which were wanting."

The publications thus approved bring to the Smithsonian Institution a return of works published by the learned societies of the world and by governments such as could not be procured in any other way, supplying the library with rich productions of both literature and science. The gradual formation of a valuable library would result from this system of international exchanges even without direct purchase.

The programme of organization of the institution and its execution have met with the unqualified support of a very large majority of the scientific and literary men of our country, expressed individually or in the associations of which they are members. This is general throughout the Union, and from no quarter have more decidedly favorable opinions been expressed than from that to which the regent at whose instance this investigation has been made (Mr. Choate) belongs. The committee must necessarily be brief in its selections from the numerous letters and other communications before it. In speaking of the general considerations proposed by Professor Henry as guides in adopting a plan of organization, a committee of the American Academy of Arts and Sciences of Boston, say, that "they command the entire assent of the committee," and proceed to discuss favorably the various provisions for the increase and diffusion of knowledge furnished by the programme. This

committee consisted of such scholars as Everett, Sparks, and Longfellow, and such men of science as Peirce and Gray.

Since the appointment of this committee Professor Peirce, of Harvard University, has renewed his testimony to the wisdom of the plan of organization, and has spoken further in relation to the efficiency of its execution. In a letter addressed to the chairman of this committee, he says:

"Of all men, none can be more sensible of the value of the great storehouses of the wisdom of past ages than they who are obliged to resort to them in the development of their own researches. The knowledge which has already been given to the world, and which is accumulated in the library, stimulates and invigorates the mind for original thoughts, and supplies important materials for investigation; it is to the author what the collection of models in the Patent Office is to the inventor; but, nevertheless, the increase of knowledge depends chiefly upon the native vigor of intellect, and its diffusion is performed by the press. To the strong mind the collections of the Vatican are a golden opportunity, richer than the mineral harvest of California; but not richer than the hills and streams which abound within every man's sight; not richer than the stone beneath our feet, on which is written the history of the world; than the leaf of the forest, on which is inscribed the thought of its Creator; or than the cloud in the lightnings of which the laws and the glory of God are as distinctly revealed to the faithful of the present generation as they were upon Mount Sinai.

"The valuable contributions to knowledge which have already been made by the Smithsonian Institution, are a living proof that vast libraries are not necessary to the development of new thoughts. If you will compare these memoirs with the scientific productions of the same period in Europe, you may find them perchance inferior in erudition, but not in profoundness and originality of thought. Do you believe that Smithson, who was himself engaged in chemical investigations, could have intended a library by his words "an institution for the increase and diffusion of knowledge among men?" If you will examine his nine memoirs to the Royal Society, of which he was an active member, and his eighteen other contributions to science, you will not find one of them which required a library for its production. Each was the natural growth of a deeply thinking mind. Smithson was emphatically a maker and not a collector of books; and in the scientific circle to which he belonged, the ordinary use of language would have totally precluded the interpretation which some men of quite a different cast of mind have presumed to impose upon his words. Expand his largeness of expression to its utmost extent; include in it all that a generous mind like his own would desire it to embrace; but let it not be cramped and twisted out of shape, and so forced from its original design that it shall wholly fail to accomplish the object of the munificent testator.

Most earnestly, then, in the name of science, and especially of American science, do I protest against such a gross perversion of this important trust. I assure you, sir, that the great body of scientific men throughout the country warmly approve Professor Henry's plan of conducting the Smithsonian Institution, and regard it as a faithful exponent of the almost undivided opinion of scientific and learned men as to the proper execution of Smithson's will and the law of Congress.

Professor Agassiz, also of Harvard University, Cambridge, whose fame as a naturalist is second to that of no man living, has given, in a letter to the chairman of the

committee, the strongest expression of his favorable opinion of the working of the institution. The committee has space here only for an extract from the letter referred to:

"Smithson had already made his will and left his fortune to the Royal Society of London, when certain scientific papers were offered to that learned body for publication. Notwithstanding his efforts to have them published in their Transactions, they were refused; upon which he changed his will and made his bequest to the United States. It would be easy to collect in London more minute information upon this occurrence, and should it appear desirable, I think I could put the committee in the way of learning all the circumstances. Nothing seems to me to indicate more plainly what were the testator's views respecting the best means of promoting science than this fact. I will not deny the great importance of libraries, and no one has felt more keenly the want of an extensive scientific library than I have since I have been in the United States; but after all, libraries are only tools of a secondary value to those who are really endowed by nature with the power of making original researches, and thus increasing knowledge among men. And though the absence or deficiency of libraries is nowhere so deeply felt as in America, the application of the funds of the Smithsonian Institution to the formation of a library, *beyond the requirements of the daily progress of science*, would only be, in my humble opinion, a perversion of the real object of the trust, inasmuch as it would tend to secure facilities only to the comparatively small number of American students who may have the time and means to visit Washington when they wish to consult a library. Such an application of the funds would indeed lessen the ability of the Smithsonian Institution to accomplish its great object, which is declared by its founder to be the increase and diffusion of knowledge among men, to the full extent to which they may be spent to increase unduly the library.

"Moreover, American students have a just claim upon their own country for such local facilities as the accumulation of books affords.

"If I am allowed, in conclusion, to state my personal impression respecting the management of the institution thus far, I would only express my concurrence with the plan of active operations adopted by the regents, which has led to the publication of a series of volumes, equal in scientific value to any productions of the same kind issued by learned societies anywhere.

"The distribution of the Smithsonian Contributions to Knowledge, has already carried the name of the institution to all parts of the civilized world, and conveyed with them such evidence of the intellectual activity of America as challenges everywhere admiration; a result which could hardly be obtained by applying the resources of the institution to other purposes."

3. *Additional legislation.*

From what has been already said, it may well be inferred that the committee have been unable to see anything either in the provisions of the law, or the administration of the institution which requires reform by additional legislation. Indeed, they could not imagine on what ground additional legislation could be demanded, if they had not been informed by the Hon. Mr. Meacham, who presented the resolution under which the committee was appointed. That gentleman was invited to attend the meetings of the committee, was authorized to present charges and specifications upon any branch of the subject referred to them, as also to

direct summons for witnesses, and to conduct the examination whenever he desired to do so. He pointed out only two particulars as requiring additional legislation.

The first was, "that additional legislation was needed to secure impartiality towards authors who apply for the publication of their researches." No instance of partiality or injustice in this respect has been brought to the notice of the committee by proof or by allegation. The idea seems to have been advanced for the first time by one of the assistants of the secretary, (Mr. Jewett,) in a communication addressed to a special committee of the regents in the year 1854.

The argument there made by Mr. Jewett has been abbreviated by Mr. Meacham, and may be stated as objecting that the power of accepting or rejecting a memoir presented for publication is virtually in the hands of one man.

The practice of the Royal Society of London is stated as being far preferable. On this point the committee would remark that the same plan cannot be adopted by the institution because, as the committee has been informed, it has no fellows from whom an examining council of twenty-one members may be selected. And if the plan could be adopted the committee do not think it as good as the one which the regents have chosen. In the present state of knowledge the several branches can scarcely be represented by twenty-one individuals, and it may occur in case of a particular paper that not a single member of the council is fully competent to decide upon its merits. The institution is not thus restricted; it has at its command the learning of the whole country, and is not even confined in its choice of examiners to men of science at home, but can select them from distinguished individuals abroad.

The rules adopted by the regents are in this respect few and simple, and in the opinion of the committee sufficient. They have provided in their programme of organization as follows:

1st. No memoir, on subjects of physical science, to be accepted for publication which does not furnish a positive addition to human knowledge, resting on original research; and all unverified speculations to be rejected.

2d. Each memoir presented to the institution to be submitted for examination to a commission of persons of reputation for learning in the branch to which the memoir pertains; and to be accepted for publication only in case the report of this commission is favorable.

3d. The commission to be chosen by the officers of the

pose, that the restrictions would have been imposed upon the appropriations for other objects, leaving that for the library unfettered. If we turn from the act of Congress to the will of Smithson to determine the manner in which the trust should be executed, if we look to his antecedents and find that he was himself a searcher into the mysteries of nature which science is laboring to develope—not so much employed in studying the pages of those who have written as striving to read the unwritten pages of nature's book—if we consider the plain and obvious import of the simple language in which his wishes are expressed, and contemplate the benefits to result from one or the other scheme of appropriation which have been in controversy; if we consider these things, we cannot doubt that it is both the right and the duty of the regents, resulting from the will of Smithson and enjoined by the act of Congress, to appropriate such portion of his funds as they can advantageously employ in scientific researches and the publication and circulation of the results "among men," wherever men exist capable of appreciating them, while, at the same time, they apply another portion of the fund, according to a sound and honest discretion, to the particular purposes specified in the act.

Thus they will not depart from any plan devised by Congress and prescribed in the act, as Mr. Choate seems to have erroneously supposed, but will fill up and develope that very plan, of which only some of the outlines were sketched in the law.

It would be impracticable, within the limits proper to this report, to go into the examination of the minute outline of organization of the institution submitted to the Board of Regents by the secretary, and approved by them. It will be found printed in detail in the appendix to the eighth annual report of the Smithsonian Institution, published by Congress in 1854.

A brief notice of the plan and of its results is all that we can here present.

The object of the plan is, first: To increase knowledge by stimulating original research by the rapid and full publication of results; by aid in procuring the materials and appliances for investigation; and, if necessary, by direct rewards.

Experience has shown that no other means are so effective in stimulating research as the rapid publication of results; not in a stinted form of abstract, and without illustrations, (too often the necessary condition of the publication of scientific labors,) but in full, with illustrations drawn, engraved,

and printed in the best style of art. How many investigations are stopped for the want of instruments, of specimens, and general appliances for research? How many are laid aside, because, first of all, men must live? What more noble or useful object for the Smithsonian Institution than to remove these difficulties from the path of genius? What more consonant to the intention of the founder: An expedition is setting out, and instruments are required to investigate the magnetism of the earth, the temperature of the ocean, the climate, soil, and productions of places explored, their latitudes and longitudes, heights, &c. These instruments are lent or furnished by the Smithsonian Institution, and the results obtained with them become public property. Means are furnished to explorers to make collections of minerals and ores; of plants and animals; of fishes, reptiles, and insects; and to provide for their transportation from the field. These collections are submitted to the most successful cultivators of the branches of science to which they belong; to men who have made these objects their especial study, and their investigations are made public. The specimens are returned to the Smithsonian collections to be taken care of, and, perhaps, to be re-examined at some more advanced period. By these and similar modes research is stimulated. The provision of meteorological instruments, and of instructions for their use; the collections of the observations made, and their comparisons, have already furnished most important information in regard to the climate and storms of the United States, and the full publication of the results will enable men of science, of this and other countries, to draw from these materials most valuable inferences and laws.

2. To *diffuse knowledge*, by the publication of the contributions, from researches and explorations, of reports on treatises on different subjects or branches of science and its application, of reports showing the history and progress of these subjects or branches, is the second object of the "active operations." These publications diffuse among men the knowledge obtained by the agency of the institution, or from without. The subjects which have been already embraced in the Smithsonian Contributions, and in the different volumes of reports, &c., have been numerous and well distributed among the various branches of knowledge, the abstract and the practical. The publications are widely scattered among the institutions of this and of other countries, given to them or exchanged for their proceedings, transactions, or other publications, and accessible at moderate rates to individuals. Of the impression made abroad by the Smithsonian Contri-

institution, and the name of the author, as far as practicable concealed, unless a favorable decision be made.

It will be perceived that there is nothing like a "star chamber of science" in this part of the plan of the institution. The opinion of the commission is formed upon the merits of the work or paper, and cannot be affected by partiality for or prejudice against the author whose name is unknown to them.

If any author should feel himself aggrieved by the appointment of an incompetent or prejudiced commission, he will have no difficulty in presenting a complaint to the Board of Regents, by whom another commission may be named. In fact, no well-founded complaint on this score has yet been made so far as has been shown to this committee, and the danger complained of seems to them only speculative and fanciful. The Board of Regents have full power to remedy whatever may be wrong in the practical working of this part of the plan, and it will be time enough to ask the interference of Congress when the evils which are now only conjectural shall be realized.

2d. Mr. Meacham suggests, "that the institution should be placed in such a position that legal redress may be gained by those who are improperly deprived of their rights."

It is true that the institution is not a corporation capable of suing or being sued. But no practical evils have as yet resulted from the refusal of Congress to make the establishment an incorporation. It is a peculiar establishment. Its operations are simple and few. Its contracts are such as can seldom form the subject of controversy. If the institution should find necessity for legal redress, there is nothing to prevent the President, who is a member of the establishment, from directing a suit in the name of the United States. If it denies legal rights to any officer or other person, the same remedy exists as in any other case of claim against the United States. No instance of a denial of legal right has been shown to the committee. An attempt to do so was indeed made on the part of an employee of the institution, who claimed to be entitled to larger compensation than had been paid to him. But the attempt was a signal failure. His own receipts contradicted his claims, and satisfied the committee that he had been paid all he could legally demand; and the assertion of extraordinary merit in his labors, alleged as an equitable ground of claim, failed when a resort was had to testimony other than his own.

The committee therefore conclude that there is no necessity for additional legislation.

4. *Maladministration.*

The first of Mr. Meacham's complaints under this head is "that the regents have made the secretary the organ of communication between them and the other officers of the institution, cutting off other officers from direct official intercourse with the board, neglecting or refusing to procure or make by-laws defining the position and power of persons employed in the institution, and expressing the opinion that all the assistants are removable at the pleasure of the secretary."

This complaint seems to be founded on an entire misapprehension of the act of Congress creating the institution, and the proper relations of the secretary and his subordinates. By the act of Congress the secretary is the sole administrative officer of the institution. The other officers are not only his subordinates, but are nothing more than *his assistants*, who are employed to assist him in his duties because it is physically impossible for him to perform all of these duties himself. The law charges the secretary alone with the duties enumerated, and therefore devolves upon him the sole responsibility, unless when it is shared with the executive committee of the regents, whose functions are not precisely defined in the law, but who act as a board of control or council to the secretary. We adopt on this subject the reasoning of the special committee of the Board of Regents, in their report of the 20th of May last, as follows:

"The law is declaratory and positive in charging the secretary with the enumerated duties, and therefore invests him, and him alone, with the corresponding powers. But as it must have been manifest that no secretary could be able of himself to perform personally everything required for the discharge of his enumerated duties, provision is made for aid to him in the clause which says that he 'may, with the consent of the board, employ assistants,' &c.

"The positions of the persons so employed are determined by the word which designates them in the clause authorizing their employment. They are called 'assistants.' To whom? Not to the regents, but to the secretary. Their position is necessarily subordinate; and, as their duties are those of assistants to their principal, they can no more be independent of him than they can be superior to him. This construction is so manifestly proper that it would seem to require no argument to justify it. But if anything further were wanted, it may be found in the fact that the secretary is to employ them in and about that very business with which he is charged, and for which he alone is responsible. The character of this part of the section is permissive. He is not required to employ any one, but is permitted to employ persons to assist him, provided he satisfy the board that their services are necessary as aids to him.

"In another part of the same section provision is made for the payment and, if need be, the removal of the secretary and his assistants, and in this

connection they are spoken of as officers, but by no ingenuity of construction can that word, in this connection, be held to assign them special duties, or confer any separate authority.

"Thus careful has Congress been to provide an efficient system of operations, which can only come from harmony of purpose and unity of action.

"This view of the intention of Congress, so clearly expressed in the law, would be directly contradicted by the plan which has been suggested, of organizing the institution definitely into several departments, placing at the head of these departments different assistants, establishing their relative positions, prescribing distinct duties for them, assigning certain shares of the income to be disbursed by them, and stating their authority, privileges, and remedies for infringement of their official rights, or of the interests intrusted to their care. All this would tend, not to secure a loyal and harmonious co-operation, to a common end, of the assistants with the secretary, but to encourage rivalry, to invite collision, to engender hostility, to destroy subordination, to distract the operations of the institution, to impair its efficiency, and to destroy its usefulness."

This view of the question has been made very clear to the committee in the course of the examination which they have made, and by the testimony taken for the purpose of supporting Mr. Meacham's charges. All the difficulties in the institution which have resulted in the dismissal by the secretary of one of his assistants and of a person temporarily employed upon the meteorological computations, seem to have arisen from the desire of independent positions, engendering rivalry and hostility, producing collisions and insubordination utterly incompatible with the proper authority of the secretary and the harmonious action so necessary to the welfare of the institution. The facts developed in regard to those difficulties entirely satisfy your committee that it is not desirable to have such by-laws as Mr. Meacham thinks the regents should have made or procured.

If any just cause of complaint by the assistants against the secretary should arise, they can at all times resort for redress to the regents, by memorial or other proper form of application, and the patience with which such an application, although entirely without cause, has been heard by the executive committee, to which it was referred, and considered by the regents, is quite sufficient to show how needless for the purpose any by-laws are.

It may be proper to say that the only section of the law in which by-laws are mentioned is the 8th, which seems to confer the power of enacting them upon the members of the establishment, who are the President and Vice President of the United States, the members of the Cabinet, except the Secretary of the Interior, (whose Department was not created at the date of the act,) the Chief Justice of the United States, the Commissioner of Patents, and the mayor of Washington, with "such other persons as they may elect honorary members."

The regents have expressed the opinion that the secretary has power to remove the assistants. This opinion is expressed in the following resolution, adopted in July last:

Be it resolved, That while power is reserved in the said (7th) section to the Board of Regents to remove both the secretary and his assistants, in the opinion of the board power, nevertheless, remains with the secretary to remove his said assistants.

In this opinion the Chief Justice of the United States and Mr. Berrien, who were absent when the resolution was passed, afterwards expressed their full concurrence.

The committee cannot doubt that it was a sound opinion. The law, as before stated, makes the secretary the sole administrative officer of the institution. He, and he alone, is keeper of the museum and librarian. The law puts all the property of the Institution into his charge, and authorizes him alone to appoint assistants to aid him in the discharge of the duties devolved upon him. Had the act made no further provision on this head, there could not be a doubt that the power of removal would be in him; because it is an established principle, that when the power to appoint is conferred, the power of removal is incident to it, unless restrained by some other provision. There is another clause in the same section (7th) which applies as well to the secretary as to his assistants, which provides that "the said officers shall be removable by the Board of Regents, whenever, in their judgment, the interests of the institution require any of the said officers to be changed."

Under this clause, the question arises, whether it restrains the incidental power of the secretary to remove, or whether, in addition to that incidental power, it gives as regards the assistants, the authority of the board to make such removal. Your committee think the latter the sound construction. It does not restrain the power of the Secretary by express words or by necessary implication. It is true that the clause gives to the board superior power, inasmuch as they may remove an assistant without the concurrence of the secretary, and even against his wish; but this power may well exist without conflict with the incidental authority of the secretary. The same reasons which cause the secretary to be invested with authority to appoint, justify and require his power to remove. The Hon. George M. Dallas, late Vice-President of the United States, and Chancellor of the institution adopts this view, and, in an opinion upon this subject, says:

It is clear that the act of Congress does not confer upon the Board of Regents the power to appoint the assistants of the secretary, and for reasons

too palpable to require mention. But if the secretary has not himself under his own mere motion a right to remove, it would be impossible to imagine reasons why the power of original appointment was not given to the board. In other words, the reasons which excluded the board from appointing are identically the reasons which preserve to the secretary the power of removing. It may, perhaps, render it more perspicuous to add that these reasons are the official responsibilities and practical personal intercourse of the secretary with his assistants.

Besides, it is very evident that the interests of the institution might often be in peril if the power of removal were denied to the secretary.

The Board of Regents are not in session during a great part of the year. Many of them reside at great distances from Washington, and could not be assembled without much inconvenience to themselves and heavy expense to the institution. During this period it might be of the utmost importance to remove an unfaithful assistant. He might cease to do that for which alone he was appointed, to assist the secretary in the affairs of the institution. He might refuse to deliver up to the secretary the property of the institution which the law puts in *his* charge. He might threaten and intend to destroy it, might treat the secretary with personal indignity, and insult and defame the regents, and spread insubordination throughout the institution. For such conduct there would be no prompt and adequate remedy unless the secretary possessed the power of removal. One case of this kind has already occurred. A person in the employment of the institution has refused to deliver up certain papers, the property of the institution, and threatened to destroy them. He has also written a letter, which was published over his own signature in a New York paper, vilifying the secretary and several of the regents, by name, in the most abusive language. For this and other causes during the last recess of Congress he was removed by the secretary, and, as the committee cannot doubt, most justly removed. This very individual was the principal witness against the secretary on the examination before your committee.

We think that the resolution of the regents, above quoted, while maintaining the superior authority of the board, properly asserted the power of the secretary.

Your committee regret very much to say that the secretary was also justified in the removal of Mr. Jewett. His removal was not arbitrary, unjust, and oppressive. Mr. Jewett is a man of talent and scholastic attainments, but it is evident, from his own testimony, that he considered himself as holding an antagonistic position to the secretary, as "having charge of the library, and being considered by the

public as the representative of that interest in the institution." He construed the law in one way; the secretary construed it differently. He thought and said that it would be treachery in him to co-operate with the secretary according to the latter's construction of the law. He told the secretary, in effect, that if he attempted to annul the compromise in the way he proposed, he would shake the institution to its centre. It is evident that he was impatient of the restraints of a subordinate position, and entertained feelings towards the secretary which made their harmonious co-operation impossible. In a paper which he submitted to the special committee of the regents he assailed the motives and honor of the secretary and criticised harshly and unnecessarily the reports of that officer.

So the special committee of seven regents, with one exception, reported to the board, declaring that this paper disclosed feelings of excessive hostility and insubordination. After this, it was manifest that the common civilities of life could not be exchanged between them, and the interests of the institution required their separation. The Board of Regents accordingly passed a resolution, in January last, approving of Mr. Jewett's removal.

Mr. Meacham also charged the secretary with claiming and exercising the right to open and read letters directed to his subordinates. The evidence satisfied the committee that the secretary had neither claimed nor exercised any improper authority in this respect. He expressly disclaimed any desire or authority to inspect the private letters of his subordinates. Their correspondence, in regard to the business of the institution, he properly claimed to be entitled to examine and control. In the absence of the subordinates he did consider himself at liberty to open letters addressed to them which were evidently of an official character; but it does not appear that he actually exercised this authority, the claim of which seems to have been misunderstood by one of his assistants, and grossly perverted by another person, under the influence of hostile and unjustly suspicious feelings.

The charge of denying scientific right and refusing to take full measures for adjusting the claim of Mr. Blodget was entirely refuted, both by documentary evidence and the testimony of a disinterested party.

These latter charges of maladministration seemed to your committee not to come precisely within the scope of the instructions of the resolution under which the committee was appointed. The Board of Regents might properly have investigated them, and undoubtedly would have done so if

asked by the parties concerned. But as testimony was taken in relation to them, the committee feel bound to say that they have not been sustained, and that they consider the secretary as entirely relieved from the charge of maladministration in every particular. They believe that the regents and the secretary have managed the affairs of the institution wisely, faithfully, and judiciously; that there is no necessity for further legislation on the subject; that if the institution be allowed to continue the plan which has been adopted, and so far pursued with unquestionable success, it will satisfy all the requirements of the law, and the purposes of Smithson's will, by "increasing and diffusing knowledge among men."

Mr. UPHAM. I would now ask the unanimous consent of the House for leave to introduce and have passed a resolution authorizing the payment of the clerk of that select committe for the time during which he has been employed.

There was no objection, and the resolution was reported, as follows:

Resolved, That the select committee of the House on the Smithsonian Institution be allowed to make compensation, at the usual rate, to a clerk for the period of his services.

The question was taken, and the resolution was passed.

Mr. ENGLISH. Mr. Speaker, what disposition was made of the annual report of the Board of Regents of the Smithsonian Institution? Was there an order to print?

The SPEAKER. The report was laid upon the table, and ordered to be printed.

Mr. ENGLISH. Has there been a motion made to print the usual number of extra copies?

The SPEAKER. There has not; but that motion is now in order, and will go to the Committee on Printing.

Mr. ENGLISH. I submit that motion.

The proposition for the printing of extra copies of the report was referred to the Committee on Printing.

Mr. RUSSELL. I am instructed by the Committee on Printing to offer the following resolution:

Resolved, That there be printed 6,000 extra copies of the annual report of the Smithsonian Institution—4,000 for the use of members, and 2,000 for the Institution.

The resolution was adopted.

The House having gone into the Committee of the Whole on the state of the Union—

Mr. JAMES MEACHAM, of Vermont, said:

Mr. Chairman: It was not my intention to offer any remarks during this session with reference to the Smithsonian Institution. After mature deliberation and consultation with judicious friends of learning, I came to the conclusion that the affairs of that establishment required investigation. I proposed the matter to this House. They sustained the proposition, and appointed a special committee of inquiry. To them I hoped the matter would be left till their report should be presented. I believed, sir, that in the hands of a select committee of this House, the interests of literature and science connected with the Smithsonian Institution would be safe.

But the unexpected course of the gentleman from Indiana, [Mr. English,] in stepping forward to eulogize the institution before it had been attacked here, seems to require me briefly to explain and defend my position. For such explanation and defence, I may, in the main, rely on the able and important report presented by the select committee, which, for that purpose, I propose, in substance, to insert in my speech, confining my own remarks to some topics not alluded to by the committee.

The gentleman from Indiana, and some others, seem disposed to view this investigation as indicating deliberate hostility; as intended to give "to the disappointed and dissatisfied an opportunity of assailing the institution at the public expense;" as manifesting disrespect to the distinguished and honored gentlemen concerned in conducting its affairs, particularly by clothing this committee with power to send for persons and papers. Sir, I do not yield to the honorable gentlemen in my sincere attachment to the cause of knowledge, whether in the form of literature or of science. But the very devotion which I feel, leads me to wish to keep its fountains clean. I would not willingly lend myself to the aid of wanton and wicked assaults, nor is it to be supposed that this committee would be less scrupulous; but I believe that "the disappointed and dissatisfied" may sometimes deserve, or need, protection and redress. I would not be wanting in respect for men in exalted positions; but I know that under the authority of the purest and most elevated, abuses may arise, and require investigation, though not the imputation of individual blame. I am not the first member of the Board of Regents who has believed that the institution had departed from the course marked out for it by Congress. One who had a large share in shaping its charter, within the first three years of its history declared

in his place in this House, that he "believed the Board of Regents would be, and ought to have been long since made acquainted with its direct responsibility to the power that had created it." And lately, a very distinguished member of the board resigned his seat in consequence of his conviction that the administration of the institution was not in accordance with the law.

In this country, there is perhaps, no precedent for an investigation in all respects like this; simply because, before the existence of the Smithsonian Institution, there had not been, under the direction of our Government, any establishment for the promotion of knowledge in general. But we are not at a loss for precedents. The British Museum served as a model with many of those actively engaged in framing the charter of the Smithsonian Institution. It is under Government control. During the last twenty years its affairs have twice been made the subject of investigations by select committees of the House of Commons, and once by a special royal commission. The committees and the commission were each clothed with power to send for persons and papers. That institution was under the management of the highest dignitaries and the first noblemen of the realm.

In the debate in the House of Commons on the appointment of one of these committees, Mr. Warburton quoted the complaints of Sir Humphrey Davy, that "there must be a general change in everything belonging to the Institution before a proper system of radical improvement could be affected;" and Mr. Hume declared "that it was imperative on the gentlemen connected with that institution to defend themselves, and unless they make a good defence, it would be impossible for Parliament to allow them to continue in their present condition."

Mr. Chairman, it is not my intention to follow the gentleman from Indiana through his remarks; I shall confine myself to a few of the most important points. The gentleman maintains that the provisions of the act of Congress have been observed. This is the main issue between the two parties to this Smithsonian controversy, and is ably discussed in the report of the select committee.

The view which the committee have taken of the meaning of the law was that of the first regents, fresh from their labors in framing the charter, and unbiased by influences subsequently brought to bear upon them.

On the second day of their first session, a committee was appointed upon the clause requiring the appropriation for a library, and instructed "to prepare a report upon the subject

of the formation of such a library, indicating its general character," &c.

In their report which was long and elaborate, the committee say:

"They see in the language of the act, which the regents are created to administer, and in the history of the passage of that act, a clear intimation that such a library was regarded by Congress as prominent among the more important means of increasing and diffusing knowledge among men. This intimation they think, should control in a great degree, the acts of the regents. They will not, however, withhold the expression, that the apparent policy of Congress in this particular is marked by profound wisdom, that it rests on a right construction of the terms and an enlarged appreciation of the spirit of the bequest."

They recommended the appropriation of $20,000 of the income "for the present," to the library, independent of salaries, and *this recommendation was adopted.* I pause to remark, that if this resolution had been carried out, we should even now, have much the largest library in this country. It would be something to have, to see, to use, to grow. And I ask you to place beside this the half dozen quarto, and the half dozen octavo volumes published by the institution, and tell me which you would prefer? Which would tend most for the increase and diffusion of knowledge?

Instead of this library what have we? Why, sir, a meager collection of some fourteen thousand volumes, besides pamphlets, &c., made up of copyright books, imperfect sets of periodicals and publications of societies, and university theses—with doubtless a good proportion of important and valuable works. But the whole how insignificant in comparison with the great and noble design! We have heard it stated that the library is worth $40,000. This is a preposterously exaggerated estimate. I do not believe that an intelligent bookseller could be found who would value it at a third of the sum! If the value of the museum and apparatus be equally exaggerated, we must abate largely from the vaunted possessions of the institution. And then, sir, this library is cramped into inconvenient and uncomfortable quarters, and *shut up from the public*, at a time, too, when there is an unusual concourse of people at the Institution.

As to *the origin of the present difficulties*, I particularly demur to the statement of the gentleman from Indiana. He represents the question to have been whether the funds should be used to build up a library as a paramount objeet, or whether they should be applied, not only for a library, but for such other purposes as the regents might think would best accord with the will of Smithson and the act of

Congress. Not so, sir. The present difficulty *originated in a proposition to annul the* "COMPROMISE" which divided the income equally between the library and the museum on one part, and publications, researches, and lectures on the other; *for the purpose of giving more to the latter department*, making that a paramount and controlling interest.

Let me briefly explain this compromise.

The first sense of the regents respecting the library, was soon contested under a new reading of the law, one which made the section authorizing the regents to dispose of the possible surplus or residuum, the chief clause of the act, overriding all the rest and overruling all other details. Under this construction, *new purposes* were to be introduced; purposes dissimilar to those provided; purposes which had been proposed to, and discussed and rejected by Congress—namely, the publication of books, and the instituting of scientific researches.

The early days of the institution seemed likely to be embittered by controversy resulting from this new movement; but, in a magnanimous spirit of conciliation, the friends of the library agreed to a "*compromise*," dividing the income, after the building should be completed, equally between the library and museum on one side, and publications, researches and lectures on the other.

The friends of the library reconciled their course with the law thus: If $20,000 a year be expended for books during the four or five years while the building is in progress, we shall gather a considerable library, and then we may be justified in believing that, for the future, the share that will come to the library under the compromise, may be considered as meeting the requirements of the law; the friends of the scientific scheme will be propitiated, and perpetual harmony secured.

I think, sir, that they strained their discretion; but they acted in the spirit of conciliation, worthy of a fairer requital than it has met.

Let this matter be distinctly understood. The friends of the library did not begin this controversy. They held to the compromise, and asked only that it should be faithfully administered. They demanded no more for the library than it was entitled to under the compromise. They did not ask that it should be made the *paramount* interest (although some of us believe that such is its legal position.) We were content to abide by the compact; we so voted. It was the proposition, coming from the advocates of the publication system, to annul the compromise, and reduce the

library to the condition of a mere appendage of the new purposes, that led to discussion, and finally, through much irritation, to our present position.

We are not in anywise responsible for these difficulties. We plant ourselves on the law. For the sake of peace, we have been willing to adhere to the compromise. We have had reason to raise the controversy on other grounds, for although the resolution of the board giving $20,000 of the income to the library was not repealed, the money was withheld. As an offset, the compromise was to be observed before the finishing of the building. We think it was not fairly administered. We did not, however, take issue on that point, but only on the formal proposition to rescind.

We may not inaptly retort insinuations of illiberality. We hold to the law, and the law requires a universal library, one "composed of valuable works in all departments of knowledge;" one for the man of science, the artist, the mechanic, the historian, the scholar, the seeker of knowledge of whatever name; one open to men of all States and all nations. But we are called upon to yield up everything to men of science. The scientific men are down upon us, as if their craft were in danger. They come in societies, and as individuals. Smithson, though a chemist, and member of the Royal Society, appears to have been a man of general culture, and to have had sympathy for "*knowledge*," without any restrictive epithets. By consulting solely the wishes of one particular class of the devotees of knowledge, who cherish only what is called science, we should limit his intentions,

"And give up to party what was meant for mankind."

I have not sought letters of recommendation for the library plan, nor have others for me. I doubt not I could have obtained thousands. To show them on either side seems to me idle parade. We doubt not that librarians in Athens and Paris are glad to get handsome books from America, and are ready to praise them before our traveling countrymen. 'Tis polite to do so. We doubt not that scientific men like to have means of publishing their works, too heavy for booksellers. We need not here doubt that it may sometimes be useful to publish, gratuitously, books that people do not care enough about to buy. But the question here is, can the Smithsonian Institution *lawfully* devote itself to such a purpose *exclusively or principally?*

The gentleman from Indiana puts prominently forward the fact that the funds of the institution have not been

squandered. This seems irrelevant, for it had not been so charged. But he thinks it a high meed of praise that its capital has been augmented. If the object of the institution were the increase of its wealth, this would indeed be just cause for satisfaction. But, sir, this establishment was created, not to hoard money, not to speculate upon it, not to increase its income, but to expend money "for the increase and diffusion of knowledge." We want knowledge more than gold. We have no commission to accumulate for future benefit, but to spend for continual profit. We should remember,

"There is that scattereth and yet increaseth; and there is that withholdeth more than is meet, but it tendeth to poverty."

It is asked, if Smithson intended a library, would he not have said so? I reply by asking, if he had meant a learned society, would he not have said so? He knew all about learned societies, and seems to have become dissatisfied with them. I cannot suppose that he meant to indicate anything *in particular* and *exclusively;* but I suppose he intended to give his money to whatever the United States, in the discretion of its Government, might deem best suited to promote his general purpose.

For one, sir, I suppose that Smithson regarded the foundation of a "Smithsonian Institution," from his property as only *a possibility*. Look at the facts. He left the income of his property, for life, to a nephew, and the property "absolutely and forever," to the descendants of the nephew, if he had any, "legitimate or illegitimate." The nephew was a young man leading a roving life in France and Italy. What was the chance that the contingency would ever arrive when the United States could claim the legacy—that of failure of descendants of the nephew? A sentence has been quoted from one of his papers to the purport that his name would live in the memories of men when the titles of the Percy's and Northumberland's were extinct or forgotten, and it seems to be inferred that he was then thinking of this institution. But it is altogether more likely he was thinking of the articles which he had published in the Philosophical Transactions. Every scientific man deems the acceptance of his articles there a sure passport to immortality; and this view is rendered more probable by what is asserted, that he took such offense at the rejection of one of his papers by the Royal Society as to change his will. But I do not, after all, see the applicability of this; for the name of Smithson would be as much attached to the Smithsonian Institution, and live with it as long and as

honorably, if that institution becomes what Congress intended, as if it becomes anything else. Is not the British Museum or the Bodleian Library as well known as any other institution in the world?

To the phrase "*active operations*," I will devote a passing word.

The publication of books and the assumption of researches have been called "*active* operations," as if everything else were in comparison but standstill. I should have liked to see activity in finishing the building, and in filling it with the stores of knowledge. Active operations of this kind would have tended "to stimulate and invigorate the mind for original thought, and supply important materials for investigation," to use the language of one of the gentlemen who has been quoted to show that anything but an exclusive devotion of this fund to science is a "gross perversion" of the trust. It has been repeated to me that another of these gentlemen was in the habit a few years ago of saying, "you can do nothing for science in this country till you have books—large libraries"—and this he said in special reference to the Smithsonian Library. But then, sir, the Smithsonian question had not become one of physical science *versus* everything else.

One gentleman refers to the great Humboldt as not the possessor of a private library. But he had constant access to the Royal Library of Berlin, one of the best in the world. Now, what we want is to furnish scientific and literary men in this country with such public facilities for research, that they will not, on the one hand, be obliged to expend their limited means in buying for themselves, nor, on the other, abandon their researches for the want of books. For us, this case of Humboldt is remarkably apropos.

In order to show how intensely active these "active operations" are, the gentleman from Indiana has quoted a long list of works published by the institution. But, sir, you will, probably, be surprised to learn, that with the exception of a few octavo pamphlets, making in all only about one thousand pages, *the first six titles include the whole that follow.* The rest are merely the table of contents of the first six. Six quarto volumes, making less than three thousand pages and about enough in octavo to make a volume of one thousand pages exhibit the sum and substance of the "active operations" of the Smithsonian Institution for eight years—say five hundred pages, great and small, a year.

I have heard it argued that the "active operations" are justifiable, on the ground that Congress ordained a labora-

tory, that a laboratory implies researches, and researches must be published. But, sir, I have looked through the Smithsonian publications, and made inquiries with the view of ascertaining what results they contain, procured at the Smithsonian laboratory. I could find *none.* I asked where are the Smithsonian researches? Where are the "new truths" which have been developed at the Smithsonian? The books published were contributed to knowledge by the authors who wrote them, for the most part without pay. The Smithsonian merely published them. The Smithsonian laboratory is next to nothing, and nothing but experiments and illustrations *for lectures* have come from it, as yet, so far as I can find.

Now these operations are held up as the exponent of American *activity* in discovering *new truths.* I do not find any very efficacious *activity;* and as to the proportion of *absolutely new truths* due directly to the Smithsonian among these publications, I fear they would, notwithstanding all the talk about them,

> "Should some cold critic dare to melt them down,
> Roll in his crucible a shapeless mass,
> A grain of gold leaf to a pound of brass."

I do not, sir, by any means object to these publications, on the ground that they do not contain *new* truths. I go for truth, old or new; but I object to the holding them up before the world as the measure of American active operations in the discovery of truth, and as conveying the idea that the Smithsonian Institution is the great active truth-discovering engine of American science. The idea that it has been so, or would become so, although it has done more than all else to encourage the present course of the institution, is, in my opinion, fallacious. It cannot, I think, be too strongly represented that discoveries are not made by direct active operations of societies anywhere, but by the active operations of individual minds, which minds may be in various ways brought up to the effort. The hope of reward may, indeed, serve sometimes as a stimulus; but I believe that the history of science shows that such rewards are generally valuable *as rewards* rather than as incentives. The hope of having results published, with the stamp of high approval, may operate as an incentive to effort. But incentives, especially in this country, are less needed than means and aids; and a library is one of the most effectual, and especially in this country the most needed, as a means and aid to exertion in the advancement of knowledge.

Mr. Chairman, on this last day of the session, I have not

the time to produce the multitude of considerations which crowd upon me on this subject, but I am happy to be able to present those most important in the lucid argument and appropriate language of the select committee.

(Mr. MEACHAM then gives copious extracts from the report of Mr. Upham, the whole of which will be found in preceding pages.)

MR. JOS. R. CHANDLER, of Penna., from the Select Committee to inquire into the expediency of withdrawing from the treasury of the United States the Smithsonian fund, and investing it in sound stocks, made the following report:

That immediately after the appointment of a committee the chairman addressed a letter to the Secretary of the Treasury, inquiring into the history and present state of the Smithsonian fund. To that letter the following answer was received:

TREASURY DEPARTMENT, *March* 6, 1854.

SIR: I duly received your letter of the 4th of January last, enclosing a copy of the following resolution, adopted by the House of Representatives on the 3d of that month: "*Resolved*, That a select committee, consisting of nine members, be appointed and instructed to inquire into the expediency of withdrawing from the treasury of the United States the Smithsonian fund, and investing the same in sound stocks, or in such other way as may be to the interest of said fund," and requesting a statement of the amount of the Smithsonian fund in possession of the department, or under its control, and the amount of interest accruing thereon, with any other information that may assist the committee in the discharge of the duty enjoined by said resolution. In compliance with your request, I have the honor to transmit herewith the accompanying statements, marked A, B, C, and D.

The sum received in London from the bequest of Mr. Smithson by the agent of the United States appointed in pursuance of the act of July 1, 1836, was $515,169. But the sum actually received into the treasury was $508,318.46, the difference between the two sums having been absorbed by certain expenses in collecting and transferring the money to the United States.

By the sixth section of the act of July 7, 1838, it was provided that the money so received should be invested by the Secretary of the Treasury, with the approbation of the President of the United States, in stocks of States, bearing not less than five per cent. interest, and that the said stocks should be held by the said Secretary in trust for the uses specified in the last will and testament of James Smithson, until provisions should be made by law for carrying the purposes of the said bequest into effect, and the annual interest accruing on the stock aforesaid should, in like manner, be invested for the benefit of the said institution.

By the act of September 11, 1841, so much of the before mentioned act as authorized investments in stocks of the States was repealed, and the Secretary of the Treasury was required thereafter to invest in stocks of the United States.

But between the dates of these two acts the sum of $508,318.46, together with the interest accruing on the first purchase, was invested in stock of the State of Arkansas, upon which the State, in the sequel, failed to pay interest, and upon which, from the time of such failure, nothing has been realized, except certain sums which have accrued to the State from the sale of public lands under what is commonly called the five per cent. fund.

In this condition of the fund, the act of August 10, 1846, was passed, entitled "An act to establish the Smithsonian Institution, for the increase and diffusion of knowledge among men."

The act recognized as a debt due from the United States the sum so received and invested. It fixed the said sum at $515,169, the sum received by the agent in London, thus assuming the expenses incurred, and leaving the original bequest unimpaired for the use of the institution. It provided for the payment of interest on the said sum from the time of receipt, at six per cent., payable on the 1st January and 1st July of each year, appropriating the interest which had so far accrued, amounting to $242,129, for the erection of suitable buildings, and the interest thereafter to accrue for the maintenance and support of the institution. But the act at the same time provided "that all the stocks which may have been or may hereafter be received into the treasury of the United States on account of the fund bequeathed by James Smithson be, and the same are hereby, pledged to refund to the treasury of the United States the sums hereby appropriated."

With this brief explanation of the history of the fund, including the legislation thereon, the committee, it is hoped, will find the statements referred to sufficiently intelligible.

A is a statement showing on the one hand, 1st, the amount originally received into the Treasury; 2d, the amounts received for interest; and, 3d, the amount of United States stock redeemed, this amount ($5,523.21) being part of the sum of $106,184.85, mentioned in same statement; and, on the other hand, 1st, the investments made for the benefit of the institution; 2d, an expense incurred in the management of the fund; and, 3d, the balance remaining on hand.

Statement B shows the amount of stock now held, and the different descriptions of which it is composed. It shows also the present market value of said stocks, with the exception of the Arkansas, which is, perhaps, not worth more than forty cents on the dollar.

C is a statement showing on the one hand the interest which has accrued on these stocks, and on the other hand, 1st, the interest which has been received, and, 2d, the interest which is due and uncollected.

D is a statement of the interest which has accrued on the sum of $515,169 under the act of August 10, 1846, all of which has been paid up to the 31st December, 1853, 1st, for the erection of the building, and, 2d, for the support of the institution, in pursuance of the terms of said act.

From these statements it appears that the fund which is pledged to reimburse to the Treasury the amount appropriated by the act of August 10, 1846, may be stated as follows:

1. Stocks on hand of the par value of	$720,661 64
2. Balance of cash in the Treasury	18,646 83
3. Balance of interest uncollected	369,316 32
	$1,108,624 79

It is estimated that, by authorizing the Secretary of the Treasury to redeem the stocks of the United States held in trust for the institution at the rates of premium offered for said stocks, and to sell the stocks of the States of Illinois, Ohio, and Michigan, at their market price, the sum of $199,844 may be realized and applied towards the reimbursement of the said appropriations, and I respectfully recommend that authority may be given to pursue this course.

I have the honor to be, very respectfully,

JAMES GUTHRIE,
Secretary of the Treasury.

Hon. JOS. R. CHANDLER,
Chairman Select Committee on Smithsonian Fund.

A.

Statement of the Smithsonian fund, for investment in stocks, on the 1st *of January*, 1854, *under the* 6th *section of the act of Congress of July* 7, 1838, *and act of September* 11, 1841.

	Stocks.	Cost.	
To amount of stocks purchased by the Secretary of the Treasury for the benefit of the Smithsonian fund, viz :			
State of Arkansas	$538,000 00	$532,692 50	
State of Michigan	8,000 00	8,270 67	
State of Illinois	56,000 00	42,403 00	
State of Ohio	18,000 00	16 980 00	
United States loan	106,184 85	117,329 68	
	$726 184 85		$717,875 85
To amount paid to June 30, 1853, as compensation to the clerk in charge of the fund, as authorized by the late Secretary of the Treasury			1,075 00
To balance to the credit of the fund			15,646 83
			$737,597 68

By amount received from the estate of James Smithson, deceased		$508,318 46
By amounts received for interest on investments, viz :		
From State of Arkansas	$130,443 25	
From State of Michigan	6,560 00	
From State of Illinois	38,700 00	
From State of Ohio	13,500 00	
From United States stocks	34,552 76	
		223,756 01
By amount of United States 5½ per cent. stock redeemed	$1,291 86	
By amount of United States 5 per cent. stock redeemed	4,231 35	
		5,523 21
		$737,597 68

B.—*Statement showing the description and amount of stocks held by the Secretary of the Treasury in trust on account of the Smithsonian fund, including their market price and value at such price.*

Description of stock.		Amount of stock.	Present market price.	Value at market price.	
State of Arkansas 6 per cent. bonds		$538,000 00			Interest due on these bonds January 1, 1854, $361 636.32. No interest is paid on these bonds other than what is received on account of certain amounts, which, from time to time, are ascertained to be due the State of Arkansas on account of the 5 per cent. fund accruing to said State from the net proceeds of lands sold within said State; which amounts, when ascertained, are applied to the payment of interest due on these bonds, as authorized under the provisions of a joint resolution of Congress, approved March 3, 1845.
State of Michigan 6 per cent. stock—Detroit and Pontiac Railroad, 1858		8,000 00	Par.	$8,000 00	Interest due on this stock January 1, 1854, $960. Interest paid and applied as authorized under the joint resolution of Congress of March 3, 1845, from the net proceeds of sales of public lands in said State, and the amount now due may be expected to be paid when the next adjustment of these sales is made the ensuing spring.
State of Illinois 6 per cent. stock—					
Internal improvement stock, 1870	$33,000		89 to 90	52,000 00	Interest due on this stock January 1, 1854, $6,720. Interest paid and applied as authorized under the joint resolution of Congress of March 3, 1845, from the net proceeds of sales of public lands in said State, and the amount now due may be expected to be paid when the next adjustment of these sales is made the ensuing spring.
Illinois and Michigan Canal stock, 1860	10,000		96		
Illinois Bank and internal improvement stock, 1860	13,000		98		
		56,000 00			
State of Ohio 6 per cent.—Ohio Canal stock, 1860		18,000 00	107½ to 108½	19,500 00	Interest paid by the State of Ohio as it becomes due in January and July of each year.
United States 6 per cent stock, as follows:					
Loan of 1842	$18,061 64		115½ & int. 2ms.	59,050 00	Interest paid by the United States as it becomes due in January and July of each year.
Loan of 1846	19,200 00		106 & int. 2 ms.	20,544 00	
Loan of 1848	33,400 00		121 & int. 2 ms.	40,750 00	
		100,661 64			
		$720,661 64		$199,844 00	

C.

Statement showing the amount of interest received and disbursed on account of the Smithsonian Institution, under the act of Congress approved August 10, 1846, *which act fixed the principal of the Smithsonian fund at* $515,169.

To amount of interest which has accrued on the principal of the Smithsonian fund as secured by the 2d section of the act of August 10, 1846, from September 1, 1838, to December 31, 1849, as per report No. 103,882	$350,314 42	By amount of interest paid to the proper disbursing agent of the Board of Regents of the Smithsonian Institution up to December 31, 1849, per report No. 103,882	$350,314 42
To amount of interest which has accrued on said fund from January 1, 1850, to December 31, 1853	123,640 56	By amount of interest paid from January 1, 1850, to December 31, 1853	123,640 56
	$473,954 98		$473,954 98

D.

Statement of the Smithsonian fund as it regards interest on stocks.

To amount of interest received		$223,756 01	By amount of interest which has accrued on stocks purchased, viz:	
To interest now due, viz:			On stock of the State of Arkansas	$492,079 57
From the State of Arkansas	$361,636 32		On stock of the State of Michigan	7,520 00
From the State of Michigan	960 00		On stock of the State of Illinois	45,420 00
From the State of Ohio	6,720 00	369,316 32	On stock of the State of Ohio	13,500 00
			On stock of the United States	34,552 76
		$593,072 33		$593,072 33

Shortly after the receipt of the above statements by the chairman of the committee, there was presented to the House of Representatives the memorial of March 10, 1854, from the Smithsonian Institution.

The statement made to the select committee by the Secretary of the Treasury shows that the Government, by an act of Congress, set apart as the capital of the Smithsonian fund, the sum of $515,169; regarding those States that have failed to make payment of principal or interest of the sums loaned to them from the fund received from England as debtors to the Treasury of the United States, leaving the fund unencumbered with accounts against the borrowers, and equal to the amount left by the testator.

What disposition should be made of the evidences of debts which the Government of the United States holds against the borrowers of the original fund, did not form a part of the inquiries which the committee was authorized to make. But as those funds evidently belong to the Government of the United States, the committee will feel itself justified in suggesting such a disposal thereof as will release the books of the Treasury Department of the continued and increasing accounts. And at the close of the report a resolution will be added recommending the sale of all such assets, and that the net proceeds be carried to the general fund.

The memorial of the Smithsonian Institution, asking for permission to invest a portion of the fund saved in the construction of the building, for which purpose it had been appropriated, suggested to the joint committee inquiries as to the probable demands which would be made upon the income of the institution; and that led to a further inquiry as to the legitimate objects for expenditure. These inquiries could only be answered by a recurrence to the will of the distinguished testator; and if that should be less explicit in any particular than would be desirable, then a recurrence could be had to the well-established facts of his life, and the special objects which he pursued in his devotion to science; and the end which he proposed in his pursuits while alive, and the special directions of his estate after the death of the person to whom was bequeathed a life use of his property.

Committees of Congress have several times presented statements of the objects of Mr. Smithson's bequest to the Government of the United States in trust, and their opinion of the mode in which these objects should be attained, and proceedings have been had, founded on the acts of Congress,

that have been consequent upon these reports. And the institution has been established, and been made most beneficially operative by a "direction," which has been careful to administer its affairs in the spirit of congressional enactments.

The Smithsonian Institution, however, is unique in its character, and it is brought into action at a time when science is advancing beyond all precedent, and when the learned and the scientific of the old world are demanding from the United States not merely a sympathy in their labors, but a contribution to the amount of knowledge and science with which the world has already been enriched.

With the constant demands upon the institution, and the constant efforts to respond to these demands, it is not strange that it should be found occasionally necessary to inquire whether its administration is maintained with a constant eye to that progression which the advancement of science renders necessary; and whether every plan which was hesitatingly but carefully adopted in the establishment of the institution is productive of the exact result which was contemplated on its formation, and whether any of its minor divisions impinge upon the more important branches, and thus diminish the means of usefulness on the whole, and delay the attainment of these objects, which are properly the end of the great establishment.

To judge correctly of such matters it is not only necessary to know what has been done by the institution, but what was the plan of those by whom it was inaugurated; and especially it is important to compare the proceedings of the institution with the will of its testator, and to ascertain whether what he proposed has been in any degree attained, and whether all has been done that the means supplied would allow, and whether the plans for future action are in direct conformity with a fair construction of the will, and whether any of the income is being devoted to objects not directly contemplated by the testator, and which may be as well attained by existing institutions that have neither the means nor the mission for that which may be regarded as the specialty of the Smithsonian bequest.

And the inquiry is, in the opinion of the committee eminently worthy those who are acting for the nation which, having accepted the solemn and important trust conferred by Mr. Smithson, is bound to give to its administration all that attention which is due to the liberal views and lofty objects of the testator, and which is no less becoming the peculiar character and natural distinction of the trustee.

Regard for the memory of the dead who conferred upon our citizens the benefit of the fund, and upon our nation the honor of its administration, no less than a mere self-respect will ever lead this nation, through its representatives, to guard with peculiar vigilance the sacred trust involved in the bequest of Mr. Smithson, and carefully and diligently to watch the progress of the institution in the fulfilment of the noble wishes of the founder, and the just expectation of mankind in its regard.

With this view, evidently, the Government supplied the deficiency in the funds resulting from loans authorized by act of Congress; and pursuing the same object, it is believed that Congress will suggest that the Treasury of the United States be the depository of the fund, and that the institution shall derive an unfluctuating income from the interest which the Government of the United States shall pay for the use of that deposit.

James Smithson was the son of the Duke of Northumberland, by Elizabeth, niece of the Duke of Somerset. The disadvantages of the circumstances of his birth seem to have been less than the benefits of the wealth of his parents, and he surmounted the former by the assistance which the latter gave to the energy of his character and the ennobling objects of his pursuits, and having achieved distinction by science, an attainment fortunately not dependent upon hereditary honors, his wish was evidently to open up avenues to knowledge and facilitate its attainment for the multitude. It is better to suppose that the exalted opinions of mental cultivation and scientific attainment which Smithson manifested in his life and writings, and the efforts and contribution which he made towards ensuring to learning a superiority to any distinction founded on hereditary title, resulted rather from the ennobling influence of great scientific attainments upon his own character than from the misfortunes of his birth, which forbade his enjoyment of the titular honors that distinguished his father.

Or, if made to feel the incompatibility of his condition with the kind of distinction which was enjoyed by his more fortunate relatives, he may be pardoned the ambition which led him to adopt a course to give imperishable distinction to his name, " when the titles of Percy and Northumberland are extinct." And the Smithsonian Institution, in the city of Washington, is the means by which that distinction is to be achieved and perpetuated. Such an end, with such ample means demanded appropriate administrations and suitable measures.

It must be conceded that the plan of the Smithsonian Institution must be of a character different from most others, or it will only be a rival of existing institutions; and the language of the testator is explicit as it regards the character and objects of the institute which he intended to found and endow. The object was "to found at Washington an establishment, under the name of the Smithsonian Institution, for the INCREASE AND DIFFUSION OF KNOWLEDGE AMONG MEN."

The Government of the United States, in accepting the great trust conferred, pledged itself to carry out the objects of the founder, to administer the funds with a distinct reference to the requirements of the will, and to keep the institute, which bears the name of the founder, separate in all its relations from any and every other; to give it a distinct and substantive existence, and insure independence and efficiency to its operations.

The distinction between the *increase* and the *diffusion* of knowledge is real, and in the administration of the Smithsonian Institution is of very great importance.

We have, all around us, libraries and museums, by which what is known of literature and science may be diffused, so far as the influence of those libraries and museums extends; but it cannot be denied that such an influence is necessarily quite limited.

But the "increase of knowledge" is more dependent upon the means of the promoters than their location, and the amount of valuable contribution to any science must depend more upon the assurance that the contributor can be requited for his time and labor, than upon any advantages of position; and it is eminently true that our country abounds with men whose tastes and attainments lead them into a particular branch of moral or physical science, but whose ordinary pursuits do not allow them to extend their investigations into specialities, so that large stores of knowledge often lie undeveloped in the mine of science for want of some men of leisure to follow the drift and secure the treasure.

The Smithsonian Institution has already enabled men of that class, and encouraged those of more fortunate condition to make investigations and to adduce results which the world of science has already confessed go to increase knowledge among men; and these contributions to the amount of knowledge, it is admitted, must have been reserved at least for a future day, had not the foresight of the Smithsonian Institution suggested and supplied means for the

"increase," and its appropriate and timely liberality furnished the funds and means for the dissemination.

It has already been remarked, that the unique character of Mr. Smithson's bequest rendered it difficult of administration upon any plan that should not be sanctioned by some experience, and hence, if there should be suggested a slight departure from the requirements of the letter of the law of 1846, by which the institution was organized for action, it must not be understood as censuring the views of those who labored in the plan and secured the efficient and desirable action of Congress. At that time gentlemen of the highest distinction in literature and science differed in their views of the best means of carrying out the wishes of the founder. Each had a favorite theory as it regards the efficiency of certain means or modes, and that difference arose greatly from previous habits and associations, or from the influence which the greater mind had upon the less.

It cannot be denied that the creation of an immense library was a favorite, and the dominant idea of many who, at that time, leaned entirely upon foreign writers for information, and resorted to books rather than to experiments and observations for exact information on any science. Such a course seems natural, where it had been universal, and the opinions are likely to be operative just in proportion to the dependence of minds upon books; and hence a vast collection of volumes in any city of the fourth, or fifth class in point of size, and, as yet of no particular class in point of science and literature, seemed to promise a fulfillment of the wishes of Smithson.

Yet these volumes were not to "increase the amount of knowledge among men;" they only recorded the existing amount, were merely the storehouses of what had been gathered and kept in the city of Washington, as yet only the political centre of the nation, and it is difficult to see how they would serve greatly to "diffuse that knowledge among men."

Another part of the plan is the establishment of a museum, and, in the opinion of the committee, this, if kept within just bounds, is a valuable part of the general plan. The danger is that a museum, instead of being what its name implies, will become a receptacle for all the freaks of nature which a morbid curiosity may discover, and the resort of those who would rather be amused with a *lusus naturæ* of any kind than with a well arranged and instructive display of products in their scientific order.

A museum for the Smithsonian Institution should be of a

kind to assist the student and the master in natural studies, and enable them to pursue their inquiries to the full extent of attained results, that they may increase the amount of that kind of knowledge, may add to what is already known; and when they shall have completed that commission, and their reports shall have satisfied the institution that something is contributed to the previous amount of knowledge in their particular branches, then the institution shall cause those contributions to be printed in an appropriate manner, and copies to be distributed to the various libraries of the country and the scientific associations throughout the world; *thus* DIFFUSING *knowledge among men.*

One result of this transmission of the publications of the institution is eminently worthy of regard, in considering the means of administering the will of the testator. These books thus sent out are regarded as "exchanges," and thus they insure to the institution returns from every corresponding society in the world that publishes its proceedings; and a single publication of a thousand copies of any memoir by the Smithsonian Institution is likely to insure to the shelves of its library numerous copies of different scientific works from sister associations abroad, so that the very expenditure in that branch of the institution is the means of supplying the books for a library instead of its becoming the occasion of diminishing the means of supplying that branch. And it should be added that the works received in exchange are those which go to supply to the institution a portion of the very kind of information most suited to its character and objects, and insuring to its officers and frequenters detailed reports upon branches of science that might otherwise have remained undeveloped.

The city of Washington may rejoice in the multiplication of general libraries, and the young may frequent the Smithsonian Institution for duplicates of amusing volumes which they have seen in the Congressional Library; and the latest novel or the last essay may find its place on its shelves, to the augmentation of its catalogue, and the diminution of its funds; but it will scarcely be claimed, in behalf of such a *collection*, that it is a selection suited to the views of Smithson, or in accordance with his will.

The committee, unable at present to pursue further their inquiries into a subject of so much importance to the hopes of the scientific, beg leave to present the following resolutions:

Resolved, That having accepted the trust conferred by the last will and testament of James Smithson, and having experienced inconvenience from

a former investment of a part of the funds of that trust, the United States will best promote the object of the testator, and secure the prosperous and profitable action of the Smithsonian Institution, by retaining the funds of that institution in the Public Treasury, and allowing the same interest now paid for the use of those funds.

Resolved, That it is expedient to enlarge the permanent fund of the institution by the investment of such sums, not exceeding $125,000, as may have been or shall be received for accrued interest or otherwise, in addition to the principal sum of the Smithsonian bequest, and that the said additional sum of $125,000 be received into the Treasury of the United States upon the same terms as those upon which the original fund is now held.

THIRTY-FOURTH CONGRESS.

SENATE, *January* 28, 1856.

Mr. TRUMBULL presented a memorial from a committee appointed at the Illinois State Educational Convention, praying for a grant of land to each State in the Union, for the purpose of endowing industrial universities, to coöperate with each other, and with the Smithsonian Institution, at Washington, for the education of the industrial classes and their teachers, accompanied by resolutions adopted by the Legislature of the State of Illinois, favoring the project; which was referred to the Committee on Public Lands.

SENATE, *February* 12, 1856.

Mr. MASON gave notice of his intention to ask leave to introduce a joint resolution, providing that the vacancies in the Board of Regents of the Smithsonian Institution of the class other than members of Congress, occasioned by the resignation of Rufus Choate and the death of Hon. Jno. McPherson Berrien, be filled by the appointment of George E. Badger of North Carolina, and C. C. Felton of Massachusetts.

SENATE, *February* 13, 1856.

Mr. MASON offered the above resolution; which was read the first time, and ordered to a second reading.

Mr. MASON. Mr. President, the Board of Regents have been unable to obtain a quorum, in consequence of the delay in organizing the House; and in order to fill the existing vacancies, it is desirable that the resolution should be acted on at once. It is one to which, I presume, there is no objection; I, therefore, ask for its consideration now.

There being no objection, the joint resolution was read the second time, and considered as in Committee of the Whole.

Mr. MASON. Mr. Badger is known to every Senator present; and of Mr. Felton, I would only say that he is

professor of Greek at the Harvard University; that he is a gentleman of eminent literary as well as other attainments, and possesses, perhaps, a better knowledge of literary institutions, at home and abroad, than most others.

The joint resolution was passed.

SENATE, *June* 19, 1856.

On motion of Mr. DOUGLAS, Mr. J. A. Pearce was reappointed regent by the President of the Senate.

July 25, 1856.—Report of the institution for 1855 presented, and ordered to be printed.

Mr. PEARCE moved that 10,000 extra copies be printed.

July 29, 1856—

Ordered, That 10,000 additional copies of the tenth annual report of the Regents of the Smithsonian Institution be printed—2,500 of the same to be for the use of the institution.

January 21, 1857.—The following resolution was adopted:

Resolved, &c., That the vacancies in the Board of Regents of the Smithsonian Institution, of the class "other than members of Congress," be filled by the reappointment of the late incumbents, viz: Richard Rush, of Philaphia, and Joseph G. Totten, of Washington.

February 28, 1857.—Annual Report for 1856 presented, and ordered to be printed.

Mr. FITCH moved that 10,000 copies be printed.

March 3, 1857.—On motion of Mr. JOHNSON, of Arkansas, it was—

Resolved, That there be printed, for the use of the Senate, 10,000 extra copies of the annual report of the Board of Regents of the Smithsonian Institution, 2,500 of the same to be for the use of the Institution; and that the Secretary be authorized to add to the portion of his report now before the Senate such matter as may be necessary to complete the same: *Provided*, That such additions shall not exceed in the aggregate 423 pages, the number of pages contained in the 10th annual report. *And provided, further*, That the entire amount of copy necessary to complete the said report be placed in the hands of the public printer by or before the 10th day of April next; but no portion of said copy shall be placed in the hands of the public printer until the whole shall have been completed and delivered into the hands of the Superintendent of the Public Printing.

March 6, 1857.—The President of the Senate appointed Mr. James M. Mason as Regent.

HOUSE OF REPRESENTATIVES, *February* 21, 1856.

On motion of Mr. STEPHENS, the joint resolution from the Senate of February 13 for the appointment of regents was passed.

February 26, 1856.—The SPEAKER made the following appointments as regents: Hiram Warner of Georgia, James Meacham of Vermont, Wm. H. English of Indiana.

Mr. MEACHAM. In the nomination of Regents of the Smithsonian Institution made by the Speaker this morning, I find that my name stands in the list. I feel grateful to you, Mr. Speaker, for the honor thus conferred upon me; but I beg of you to erase my name, and appoint some other member of this House. I have two or three reasons for making this request. In the first place, I have enjoyed the honor and borne the burden of that position for a period of four years, and I think it better that the duty should circulate among different members of the body, and that it should not remain stationary. I have another reason for asking to be excused. You, sir, have already placed me in a position on a committee of this House which demands all my attention. I will not conceal that I have another reason, which I shall take another time to explain. It is, that I cannot approve the present course of that institution, if it have any course, and is not merely standing still and marking time—the mere mockery of motion. It is not producing that impression upon the country and people which it ought to make. I cannot consent, and will not consent, to follow an institution whose leader is smitten with chronic monomania on *a single subject*—an institution whose line of march, as I believe, runs athwart the line of law by which it holds its existence. I, therefore, beg of you to accept my thanks and resignation.

There being no objection, Mr. Meacham's resignation was accepted.

The SPEAKER appointed Hon. Benjamin Stanton, of Ohio, as Regent.

May 23, 1856.—Report of Smithsonian Institution, for 1855, presented.

Mr. ENGLISH moved that 10,000 extra copies be printed.

August 9, 1856.—The following resolution was adopted:

Resolved, That 10,000 copies of the report of the Smithsonian Institution for the year 1855 be printed—7,500 for the use of members of the House, and 2,500 for the institution.

February 18, 1857.—Report for 1856 presented, and ordered to be printed.

March 3, 1857.—The following resolution was adopted:

Resolved, That there be printed of the report of the Regents of the Smithsonian Institution for 1856, 10,000 copies—7,500 for the use of members of the House, and 2,500 for the use of the institution.

December 14, 1857.—The SPEAKER appointed as Regents of the Smithsonian Institution—Wm. H. English of Indiana, Benjamin Stanton of Ohio, and Lucius J. Gartrell of Georgia.

THIRTY-FIFTH CONGRESS.

SENATE, *May* 27, 1858.

Annual report of the Smithsonian Institution for 1857 presented, and Mr. PEARCE moved the printing of 10,000 extra copies, 2,500 of which to be for the use of the institution.

June 3, 1858.—Mr. JOHNSON, of Arkansas, from the Committee on Printing, reported the following:

Resolved, That 10,000 additional copies of the report of the Board of Regents of the Smithsonian Institution, for the year 1857, be printed—5,000 for the use of the Senate and 5,000 for the use of the Smithsonian Institution: *Provided*, That the aggregate number of pages contained in said report shall not exceed 440, without wood-cuts or plates, except those furnished by the Institution. *And provided, further*, That the entire amount of copy necessary to complete said report be placed in the hands of the Superintendent of the Public Printing before the commencement of printing any portion of said report.

Mr. IVERSON. I object to the resolution, unless the 5,000 copies for the use of the Senate be stricken out. I have no objection to the other 5,000 being printed for the Smithsonian Institution.

Mr. JOHNSON, of Arkansas. I do not care whether it be published or not. I submit to the will of the Senate.

The VICE PRESIDENT. Objection being made, the resolution will lie over.

June 12, 1858.—The above resolution of June 3, was adopted.

January 7, 1859.—Resolution adopted to fill vacancies in Board of Regents:

Resolved, &c., That the vacancies in the Board of Regents of the Smithsonian Institution other "than members of Congress" be filled by the appointment of Alexander D. Bache, a member of the National Institute and resident in the city of Washington, and George E. Badger, of the State of North Carolina.

February 23, 1859.—The annual report of the Smithsonian Institution, for 1858, was presented.

Mr. MASON moved to print 10,000 extra copies, 5,000 for the Senate and 5,000 for the institution.

February 24, 1859.—Mr. FITCH reported the following resolution, which was adopted:

Resolved, That there be printed, in addition to the usual number of the report of the Board of Regents for the Smithsonian Institution, for the year 1858, 5,000 copies for the use of the Smithsonian Institution: *Provided*, That the aggregate number of pages contained in said report shall not exceed 450 pages, without wood-cuts or plates, except those furnished by the institution.

House of Representatives, *May* 29, 1858.

The annual report of the Smithsonian Institution for 1857 was laid on the table, and ordered to be printed.

Mr. English. I move that 10,000 extra copies of the report be printed.

Mr. Jones, of Tennessee. I hope no extra copies of it will be printed.

The motion was referred to the Committee on Printing.

June 12, 1858.—Mr. Nichols, from the Committee on Printing, submitted the following:

Resolved, That there be printed of the report of the Smithsonian Institution seven thousand copies for the use of members of the House of Representatives, and two thousand for the use of the Institution.

Mr. Jones, of Tennessee. How much will that cost?

Mr. Nichols. The cost will be $3,500, according to an estimate made by myself. It is a large reduction on the number heretofore ordered. I call for the previous question.

Mr. Burnett. I move to lay the resolution upon the table.

Mr. Jones, of Tennessee. I demand the yeas and nays.

Mr. Keitt. I rise to a question of privilege.

The Speaker. The Chair cannot entertain the motion pending the call for the previous question.

The House divided on ordering the yeas and nays, and there were—ayes 25, noes 109.

The Speaker. The yeas and nays are not ordered.

Mr. Burnett. I want tellers on the yeas and nays.

The Speaker. The Chair thinks the call comes too late. The Chair stated the vote, and paused some time before he announced the result.

Mr. Burnett. The Speaker stooped over a moment, and as soon as he rose to an erect position, I rose and called for tellers upon the yeas and nays, and the result was announced.

The Speaker. Did not the gentleman hear the announcement before he addressed the Chair?

Mr. Burnett. Yes, sir. I heard the announcement, 109 and 25.

The Speaker. The application comes too late.

The question was then taken upon the motion to lay the resolution upon the table; and it was not agreed to—ayes 30, noes 97.

Mr. Burnett demanded the yeas and nays upon the adoption of the resolution.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 84, nays 50—as follows:

YEAS—Messrs. Adrian, Ahl, Andrews, Arnold, Billinghurst, Bingham, Bliss, Brayton, Buffinton, Burlingame, Burns, Burroughs, Chase, Cavanaugh, Chaffee, Chapman, Ezra Clark, Clawson, Clark B. Cochrane, Cockerill, Colfax, Comins, Corning, Covode, Cragin, Curtis, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dimmick, Dodd, Durfee, Edie, Fenton, Foster, Gillis, Gilman, Gilmer, Gooch, Goodwin, Groesbeck, Grow, Hatch, Horton, Owen Jones, Keitt, Knapp, John C. Kunkel, Landy, Lovejoy, Humphrey Marshall, Maynard, Moore, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Mott, Nichols, Olin, Parker, John S. Phelps, William W. Phelps, Phillips, Pottle, Purviance, Reagan, Ricaud, Ritchie, Robbins, Roberts, Judson W. Sherman, Sickles, Singleton, Samuel A. Smith, Stanton, Tappan, Underwood, Walbridge, Walton, Elihu B. Washburne, Israel Washburn, and Wood—84.

NAYS—Messrs. Atkins, Barksdale, Bennett, Blair, Bonham, Branch, Burnett, Caskie, Clemens, Cobb, John Cochrane, James Craig, Curry, Davis of Indiana, Davis of Mississippi, Dowdell, Eustis, Faulkner, Garnett, Gregg, Hopkins, Houston, Huyler, Jackson, Jenkins, George W. Jones, Jacob M. Kunkel, Leiter, Letcher, Maclay, McKibbin, Miles, Niblack, Peyton, Potter, Powell, Royce, Ruffin, Russell, Sandidge, Savage, Scales, Henry M. Shaw, William Smith, Spinner, Stevenson, Miles Taylor, Tompkins, Trippe, Winslow, and John V. Wright—50.

So the resolution was agreed to.

HOUSE OF REPRESENTATIVES, *December* 16, 1858.

Report of the Committee on the District of Columbia on the memorial of the National Institution for the Promotion of Science, praying for an appropriation for preserving the collection of objects of natural history entrusted to their charge; shows that, in fact, the collections are now in the Smithsonian Institution—they were formerly in the Patent Office, under the charge of the Government—and, therefore, the committee ask to be discharged from the further consideration of the memorial.

The report of the committee was concurred in.

January 10, 1859.—Resolution of the Senate of January 7, adopted, to elect A. D. Bache and G. E. Badger, regents.

March 2, 1859.—Mr. SMITH, of Tennessee, from Committee on Printing, submitted the following resolution:

Resolved, That there be printed 5,000 extra copies of the report of the operations of the Smithsonian Institution, for the year 1858; 3,000 for the use of members of the House, and 2,000 for the use of said institution.

Mr. SMITH, of Tennessee, demanded the previous question.

Mr. JONES, of Tennessee, demanded a division.

The House divided; and there were ayes—88.

The SPEAKER. Does the gentleman insist on his division?

Mr. JONES, of Tennessee. Yes, sir; unless it is proposed to pay for this printing out of the Smithsonian fund.

The division was made; and there were—noes, 45. So the resolution was adopted.

Mr. SMITH, of Tennessee, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table. Agreed to.

THIRTY-SIXTH CONGRESS.

SENATE, *January* 26, 1860.

The PRESIDENT of the Senate reappointed Mr. Stephen A. Douglas as regent.

June 11, 1860.—Report of the Smithsonian Institution, for 1859, presented, and ordered to be printed.

On motion, by Mr. PEARCE, it was—

Resolved, That 10,000 additional copies of the report of the Regents of the Smithsonian Institution, for the year 1859, be printed; 5,000 for the use of the Senate, and 5,000 for the use of the institution: *Provided*, That the aggregate number of pages contained in said report shall not exceed 450 pages, without wood-cuts or plates, except those furnished by the institution.

January 12, 1861.—Mr. DOUGLAS offered a resolution that the vacancies in the Board of Regents of the Smithsonian Institution be filled by the appointment of Messrs. George M. Dallas, William B. Astor, and Cornelius C. Felton.

February 21, 1861.—House bill making appropriations for sundry civil expenses of the Government for the year ending 30th June, 1862, was taken up for consideration.

The next amendment was to strike out from lines two hundred and twenty-three to two hundred and twenty-six inclusive, in the following words:

For the preservation of the collections of the exploring and surveying expeditions of the Government, and the construction of suitable cases to receive said collections, $6,000.

And to insert, in lieu thereof:

For the distribution of the collections of the exploring and surveying expeditions of the Government, and the construction of additional cases to receive such part of said collections as may be retained by the Government, $6,000.

The PRESIDING OFFICER put the question; and declared the noes appeared to have it.

Mr. FESSENDEN. Senators certainly do not understand the amendment they are voting against.

Mr. HALE. I confess I do not. Let us have it explained.

Mr. FESSENDEN. I will give an explanation. This sum is necessary to be appropriated for the distribution of the collections of the exploring expeditions. They brought back

with them a great deal of matter which has been arranged for distribution among the several States.

Mr. BRAGG. I hope the Senator will speak louder; he cannot be heard.

Mr. FESSENDEN. I say there were a great many duplicates of the collections which are proposed to be distributed among the several States, and this sum is necessary in order to have them arranged and distributed.

MR. GRIMES. How many such appropriations have been made for distribution heretofore?

Mr. FESSENDEN. This is the first appropriation of the sort:

For the distribution of the collections of the exploring and surveying expeditions of the Government, and the construction of additional cases to receive such part of said collections as may be retained by the Government, $6,000.

There are two things provided for in this amendment. Both are necessary. The sum is a very reasonable one. The Committee on Finance examined this matter, and came to the conclusion that it was proper to make this appropriation. The only alteration we have made is to put it in a better shape than it was before. The chairman of the committee thought the lines proposed to be stricken out were indefinite.

Mr. GRIMES. I understand this is the first appropriation ever made for distribution?

Mr. FESSENDEN. Yes, sir.

Mr. PEARCE. Mr. President, these collections are made by all the expeditions sent out by the Government. A great many of them are sent overland to the Northwest. All of them bring home collections of natural history. They are all sent to the Smithsonian Institution, where they are arranged and classified. We have no means for keeping these specimens there; and it is very desirable that the duplicates should be given to the colleges and scientific institutions throughout the country. This appropriation is not a large one. These specimens have been collecting for a number of years; and the object now is to distribute them to places where they would be valuable—that is all.

Mr. GRIMES. Under what law, to what institutions, and in what manner, are they distributed?

Mr. PEARCE. There is no law that I am aware of for the distribution; but it has been proposed by the Secretary of the Interior that these objects should be thus distributed. They will be distributed by the Smithsonian Institution, in whose care they are placed.

Mr. GRIMES. According to the discretion of the superintendent of that institution?

Mr. PEARCE. Yes, sir; with the approbation of the Interior Department, of course, which is required for all things of this sort.

Mr. HALE. Then, I think, Congress should not appropriate the money. I think they ought to be distributed by law, as books and manuscripts are, and should not be given to the discretion of this Department.

Mr. FESSENDEN. Why not add the words: "in the discretion of the Secretary of the Interior?"

Mr. HALE. There does not seem to be any necessity for the provision at all.

The PRESIDING OFFICER, (Mr. Polk in the chair.) If no amendment be offered, the question will be on the amendment reported from the Committee on Finance.

Mr. FESSENDEN. I suppose the amendment may be amended.

The PRESIDING OFFICER. Certainly; but, as the Chair stated, no amendment being offered to it, the question is on the amendment as reported by the committee.

Mr. HUNTER. It seems to me that before we adopt this amendment, its friends ought to put some limitation on it by which hereafter the Smithsonian Institution is not to receive these things; for I am afraid it will be the beginning of a system of annual distribution like those Patent Office seeds, and may lead us into a large annual expenditure, unless there is some limitation. I would be willing to distribute them once, if you would put a stop to it there; and there ought to be something done to prevent the receipt of these things hereafter.

Mr. PEARCE. The Smithsonian Institution has not the slightest interest in this thing whatsoever; but the Government has for years—having no other place to put them—sent all these collections to the Smithsonian Institution, which building, large as it is, is very much lumbered up by them. If you keep them there, they will be compelled to turn other collections away. There is no room to receive any more. They are enormous in bulk and very numerous. It is desirable to get rid of them; and we cannot make a better disposition of them than to send them to colleges and scientific institutions which have already collections of this sort, though imperfect. It is a very remarkable collection of objects in natural history. There is no desire on the part of the institution to obtain the distribution of this collection. It is a gratuitous thing on their part altogether. This

is not for their advantage at all, except so far as it will relieve the building of the incumbrance of such an immense collection; and yet it can never be done except by authority of law. This is the first occasion on which it has been asked.

Mr. HUNTER. I have no idea that this is to the advantage of the Smithsonian Institution. I believe the object of the amendment is a good one; but why not allow them to give these things to those that may apply? Why appropriate money for the purpose of distributing them? Why not allow them to give them to those who may apply, according to their judgment? That would throw the expense upon those who received them. But if we once begin with this appropriation I am afraid we shall go on distributing these collections just as we do the seeds at the Patent Office.

Mr. PEARCE. A large part of this appropriation is intended for the construction of cases to receive such portions of the collections as may be retained by the Government. The expense of their distribution will be very small indeed. We do not mean to pay the expenses of their distribution. They will be paid by the institutions to whom they go.

Mr. FESSENDEN. Of course this is only an amendment to the preceding one. Was the other amendment struck out?

Mr. PEARCE. Yes, sir; I think so.

Mr. FESSENDEN. I will inquire whether the amendment proposed in the two hundred and twentieth line, to strike out the words "and distribution," after the word "preservation" has been acted on.

The PRESIDING OFFICER. The Chair is informed by the Secretary that that amendment has not been acted on, and will now put the question on the amendment to strike out, in line two hundred and twenty, after the word "preservation," the words "and distribution," so that the clause will read:

For preservation of the collections of the exploring and surveying expeditions of the Government, $4,000.

Mr. GRIMES. I apprehend there is not a college or museum in the land but would be willing and anxious to have the opportunity to come here to the Smithsonian Institution, and take its proportion of these fossils or specimens——

The PRESIDING OFFICER. Will the Senator from Iowa allow the Chair to state that the amendment which has just been read precedes the one under consideration, and the Senate should pass on that first; and then the subject of remark to which the Senator from Iowa is directing his attention would be appropriate.

Mr. HUNTER. The proposition is to strike out one, and insert; so that now is the time to speak upon it.

Mr. FESSENDEN. Not at all.

The PRESIDING OFFICER. No, sir; this precedes the other. The question is on the adoption of the amendment last read.

Mr. HUNTER. Is that an amendment on which we can come at this question?

The PRESIDING OFFICER. No, sir; it is the amendment that precedes it.

Mr. GRIMES. It is the amendment in line two hundred and twenty, I understand.

The PRESIDING OFFICER. The Secretary will report the amendment.

The Secretary again read it. On page 10, line two hundred and twenty, to strike out the words, "and distribution;" so that the clause will read:

Exploring Expedition.—For preservation of the collections of the exploring and surveying expeditions of the Government, $4,000.

MR. PEARCE. These words were improperly put in. That appropriation is the one which we make annually. These collections were all in the Patent Office, and as the Department of the Interior wanted the Patent Office for other purposes, provision was made by law for transferring these collections to the Smithsonian Institution, the Government paying the expense. The annual expense is about four thousand dollars. By a mistake the word "distribution" was put in the bill as it came from the House of Representatives. This money is wanted for the preservation of the collections, and not for their distribution; and therefore we move to strike out the words "and distribution."

The motion to strike out was agreed to.

The Secretary read the next amendment of the Committee on Finance; which was to strike out line two hundred twenty-three to line two hundred and twenty-six, inclusive, in the following words:

"For the preservation of the collections of the exploring and surveying expeditions of the Government, and the construction of suitable cases to receive said collections, $6,000."

Mr. GRIMES. Mr. President—

Mr. FESSENDEN. Striking out these words will accomplish the Senator's purpose.

Mr. GRIMES. I do not know that. The bill, as it came from the House of Representatives, furnished an appropriation for the preservation of these things. That I am willing shall be done; but I am unwilling that a distribution shall

be made by which these articles are to be distributed over the country without Congress specifying the manner in which they shall be distributed. I want to know how they are to be distributed. I am content that they should be distributed; and I think, if there is an excess of them here, they should be distributed in some way, either by allowing persons and institutions in different portions of the country to come here and obtain them; or else, if you see fit to do so, allowing the superintendent of the institution to distribute them; but he should not be permitted to distribute them on any principle of favoritism; as, I fear, may be the case, unless you provide in the law specifically in what manner they shall be distributed. For instance, we might say that one institution in each State, or two institutions in each State, should be furnished with these specimens, or that they should be distributed to certain specified institutions; but I am unwilling to leave the matter entirely to the discretion of the Secretary of the Interior, or the Superintendent of the Smithsonian Institution.

Mr. FESSENDEN. My friend from Iowa is a little too fast. If he will look at this amendment, he will find that it is merely to strike out the words in lines two hundred and twenty-three, two hundred and twenty-four, two hundred and twenty-five, and two hundred and twenty-six, for which other words are to be substituted. If these words be stricken out, and the others be not substituted, he accomplishes his object. The question he is debating is really the substitution, which is simply to put in this clause in a more definite form. There can be no objection to striking out these words.

Mr. HUNTER. The Senator from Iowa will accomplish his present purpose if we should refuse to strike out, and leave the clause as it stands. The difference between the two is, that the amendment proposes to distribute as well as to preserve these collections, and the words proposed to be stricken out merely provide for the preservation.

Mr. FESSENDEN. The provision above, which has been already adopted, makes all the appropriation necessary to preserve the collections. Then we come to the clause which provides for the distribution, and that it is proposed to strike out and to insert a redraft of the provision in another form. The first paragraph applies to the preservation.

Mr. HUNTER. Then the plan would be to vote for striking out, and to vote against inserting what it is proposed to insert.

Mr. FESSENDEN. There is no objection to appropriating the $4,000 for the preservation. That is done. That is

necessary. Then comes for the preservation again. That is a mistake; and therefore the clause was redrafted by the committee, so as to provide for the distribution. We do not want to provide once more for preserving the collections that are to be kept there, and therefore these words ought to be stricken out.

Mr. HUNTER. I say strike out these words; and then, if you oppose the distribution, vote against the amendment which proposes to insert the other words.

Mr. FESSENDEN. That is precisely what I am proposing to the Senator from Iowa; to let these words be stricken out, and then bring up the question in that way.

Mr. PEARCE. I should like to say to the Senator from Iowa that there are collections enough to supply every college and every scientific institution interested in such matters in the country, and our intention is to supply the whole of them; there cannot be any favoritism; but we must make some small appropriation for it, although we do not propose to pay the transportation. It would not do, for example, to let the president of a college come here and select just what he would pick and carry away. That would produce the very effect which the Senator is so desirous of avoiding. One institution would get too much, perhaps. Somebody must be employed not only to arrange these objects of natural history and classify them, but also to put aside into separate parcels the portions which are to be distributed to the different institutions. For that we are to pay. The Senator can guard against the Government paying the expenses of transportation if he pleases, by making an amendment to it in this form, "provided that no part of the said money shall be expended in transportation." As to favoritism, I say it is not possible, because there is an abundance of these collections to answer the calls of every institution in the country.

Mr. BRAGG. I think the difficulty may be obviated by an amendment which I have prepared; though I suppose my amendment will not be in order at this time, as I understand there is an amendment pending to the amendment.

The PRESIDING OFFICER. The question now is on striking out.

Mr. FESSENDEN. On striking out what nobody objects to striking out.

Mr. BRAGG. This, I think, will accord with the idea of the Senator from Maryland, to follow the amendment offered by the committee:

"Such distribution to be only to institutions willing to receive the same, and at their own expense."

The PRESIDING OFFICER. The question is on striking out.

Mr. HALE. Is it in order to move to strike out more words with those which the committee propose to strike out?

The PRESIDING OFFICER. Perhaps it would be in order as an amendment to the amendment; but the Chair would suggest to the Senator that it would be better to take the question on striking out the words which the committee propose to strike out.

Mr. HALE. I agree to that.

The PRESIDING OFFICER. The question is on striking out the words which have been read.

The motion to strike out was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the Committee on Finance, to insert the following words:

For the distribution of the collections of the exploring and surveying expeditions of the Government, and the construction of additional cases to receive such part of said collections as may be retained by the Government, $6,000.

The Senator from North Carolina moves to amend the amendment by adding to it:

Such distribution to be only to institutions willing to receive the same, and at their own expense.

The question is on the amendment to the amendment.

Mr. HALE. I am opposed to the whole of this, from beginning to end. I have been in Congress I do not know how many years; but about as long as the Smithsonian Institution has been in existence. I have devoted some time every year, more or less, to finding out what on earth that Smithsonian Institution was for; I have had friends who have visited Washington, who have told me that they were going to examine it to find out; and I have asked them repeatedly, if any of them had found it out, to tell me. The New York Tribune—I do not often quote from that paper; for it is never very complimentary to me, any more than it is to the Smithsonian Institution—said that it was a sort of lying-in-hospital for literary valetudinarians. [Laughter.] But, sir, it has a fund I believe of $500,000——

Mr. GRIMES. Six hundred thousand dollars.

Mr. HALE. Six hundred thousand dollars, making an income, then, of $36,000 a year "for the increase and diffusion of knowledge among men," I believe. So far as I am concerned in the lot of humanity, they have never distributed knowledge enough to me to let me know what the thing is for, or what it does. In addition to the $36,000 which it has of its annual income from its funds, you propose now to

appropriate $10,000 more for preserving the collections o
the exploring and surveying expeditions of the Government
and for the distribution of the collections of the exploring
expeditions, and the construction of additional cases to re
ceive such collections as may be retained by the Govern
ment. We are to appropriate $10,000 to this institution, to
keep and distribute these collections, in addition to thei
annual income of $36,000. I am opposed to the whole o
it. I think it is wrong. I think the institution itself is
wrong, and based upon one of the grossest misconception
of plain English that any institution ever was.

Old Mr. Smithson—if the Senate do not want to hear me
I will stop; I know it is not a very good time to speak
[" Go on"]—old Mr. Smithson, I suppose, was a man o
scientific attainments—no doubt of that—a friend of science
a lover of science. He had seen the colleges and the uni
versities of England hitched on to the Church and the State
The yoking together of these three he thought was not favor
able to the advancement of science in the world. Then, sir
he had in his brain the sublime conception of founding a
democratic university; one that should be free from the
corruptions of the Church and State, as they existed in Eng
land. Looking abroad over the face of the earth, to see a
place where this great and benevolent idea might be carried
out, he selected the United States as a place where demo
cratic institutions prevailed, and he gave this liberal fund
that he might found an institution under the benign influ
ence of democratic institutions, that should be devoted to
the increase and diffusion of knowledge among men, instead
of having it harnessed to Church and State. Well, sir, our
Government undertook the trust; and a grosser abuse of a
trust never was perpetrated on the earth. Some of the
wisest men we had at that day thought there was too vague
a meaning in that phraseology which said that it was to be for
the increase and diffusion of knowledge among men. They
forgot that men were made of boys; and they thought that
if they devoted it, as poor old Smithson intended it should
be, for the education of boys, under the influence of such
an institution as he designed, it would not answer his pur
pose, because he intended it for the increase and diffusion
of knowledge "among men;" and so, they have got up the
thing they have. I will not characterize it, for I confess I
do not know what it is. I saw an advertisement in the Na
tional Intelligencer that there was to be an exhibition there
at twenty-five cents a ticket, or perhaps fifty cents. That
is for the "increase and diffusion of knowledge among men."

In addition to perverting Mr. Smithson's benevolent and sagacious purposes, defeating one of the greatest ideas that ever entered into the head of a benevolent scholar—instead of making such an institution as he wanted, you have founded the great humbug of the land; and you propose now, in addition to the $36,000, to pay them $10,000 out of the public Treasury. I propose to strike it all out. Now, I am prepared to be castigated by the Senator from Maryland [Mr. Pearce] just as much as he pleases.

Mr. TEN EYCK. Rather than have this discussion continued on the merits of the Smithsonian Institution, I move that the Senate do now adjourn. ["On no!"]

Mr. FESSENDEN. We shall have it to-morrow instead of to-day.

Mr. RICE. The understanding was, that we should sit here until five o'clock, and then take a recess until seven o'clock.

Mr. FOSTER. I would suggest that the motion cannot be entertained. Under the order of the Senate last night, the Senate to-day was to take a recess from five o'clock to seven, and an adjournment now would override the order of the Senate yesterday, and would be an adjournment until to-morrow. Therefore, such a motion, I think, cannot be entertained.

Mr. TEN EYCK. I withdraw the motion.

Mr. PEARCE. Mr. President—

Mr. BIGLER. There is no difficulty in taking a recess now.

The PRESIDING OFFICER. The Senator from Maryland is entitled to the floor.

Mr. PEARCE. I shall not consume much of the time of the Senate by replying to the attack which the Senator from New Hampshire has made on the Smithsonian Institution. Some years ago the plan of that institution was the subject of deliberate investigation by a committee of the Senate. It was discussed here in this body. It was referred to the Committee on the Judiciary, and the Committee on the Judicary approved the plan of the institution for the increase and diffusion of knowledge among men. The Senator from New Hampshire has not given us any great reason to respect his authority on this subject, because he started out with a confession that he knew nothing about it; and, confessing so much, I take it that the Senate will take him at his word and estimate the value of his remarks at just what he himself admits them to be worth. It is enough, sir, that

the men who composed the first Board of Regents, of which I was not one, were among the best men in the country, and that they established this institution upon the plan by which it is now known, and which has received the deliberate assent of the Committee of the Judiciary of the Senate, and of the Senate itself. How the Senator gets at his theory of Smithson's intentions I do not know. If he has ever read Smithson's will he will not find one word of all that he has said in it; and we, who do know something about the history of Smithson, know the peculiar reasons which induced him to give this legacy to the United States.

But, sir, the Senator has remarked about an exhibition given at the institution a few days since. I wish to explain that. It might be supposed by members of the Senate that this twenty-five cents a head was a fee to the institution. No such thing. The Smithsonian Institution has a remarkably fine lecture-room, and it is very often applied for by individuals who wish to lecture there. In no case is it given to an individual who charges. The only case in which any one is allowed to charge is where the object is charitable or religious. Church congregations have sometimes applied for it when a lecture was to be delivered, and they have been allowed in that case to use the hall, and they themselves charge twenty-five cents for each hearer of the lecture—making a fund for the building of their church, or for the charitable object which is to be subserved, whatever it may be. These are the only cases where a charge is made. The lectures of the Smithsonian Institution are always free; and I believe they are a little more valuable than most lectures in the country for which people pay very willingly.

Now, so far as the Government giving $10,000 a year to this institution is concerned, it is an entire mistake. The Smithsonian Institution accommodated and obliged the Government by admitting within their walls these collections, for which the Government had no proper place, the Government only paying the expense of their preservation; that is all. The Smithsonian Institution does not derive any value to its funds from these appropriations by the Government. So in regard to the distribution of these enormous collections, the institution is not benefitted a fraction. All we want is a little appropriation to defray the expense which the institution must incur in classifying and separating these specimens of natural history for distribution. I do not object to the amendment of the Senator from North

Carolina; and I purposely refrain from much that I might say, that I may not consume the time of the Senate.

Mr. CAMERON. I am one of those who were here at the time of the reception by this Government of the Smithsonian legacy, and one of those who voted to receive that donation from a philanthropic man in England, who died and left us his money. I recollect very well that the arguments of those who were opposed to receiving it were, that it would be a constant tax on us; that the giving to us of those $500,000 would result in the expenditure of millions; and all the friends of the institution, amongst them myself, said, "No; we will take this $500.000, and get the best we can out of it." From that time to now I have always opposed any appropriation for it. If the institution cannot sustain itself, let it fall. I believe it is doing good. I do not want to make it one of those things that shall constantly eat into the vitals of this Government. This is a Government here by itself, controlling itself, and controlling many other things around it. My feelings to it are nothing but kind; but I think it ought to sustain itself, and I shall vote against every appropriation for it. I rise, however, only to say a word in regard to a remark made by the Senator from Maryland, who is almost always right. He spoke of the ignorance of the Senator from New Hampshire on this subject. I simply want to say to the Senator from Maryland, that the best book we have ever had says that, whenever we have learned our own ignorance, we are nearest wisdom.

Mr. FESSENDEN. I wish to correct an error into which my friend from Pennsylvania has fallen; and I think my friend from New Hampshire, also, is troubled with the same difficulty. This is not anything paid to the Smithsonian Institution. It is not in aid of their fund. It has nothing to do with anything connected with that institution in any shape or form. They do not call upon us for anything connected properly with the institution, to render them any aid in any shape. The simple matter is this: we have a large collection of this material, coming from several exploring expeditions. It was all placed at the Patent Office, or under the charge of the Secretary of the Interior. There was nobody to take care of it; there was nobody to arrange it, nobody to do anything with regard to it; it was turning out to be utterly useless, of no good to the Government; and we imposed the burden on the Smithsonian Institution. We decreed that it should be sent there and should be examined there.

Mr. Mason. Against their will.

Mr. Fessenden. And against their will. They did not ask it. It was a burden we imposed upon them; and having sent it there, we have made an appropriation, heretofore, merely of enough to preserve what was necessary to be preserved, and to pay the salary of a person who was to take charge of it, fix the room and take care of it—$4,000, I think, each year; and it was found, on a careful examination (I was on the committee when it was first made) to be a reasonable provision.

Now, sir, there is a very large number of these duplicates, and it is proposed that those also shall be arranged by these persons; and after they are arranged, and it is found distinctly what is best to keep, the rest shall be distributed amongst the institutions of the country. It is not for the benefit of the Smithsonian Institution, but for the benefit of the institutions of the country. We called on them to do the work; and gentlemen get up here and argue that we should compel them to do the work and not pay them for the labor, and compel them also to pay their own expenses. It is simply providing a mode by which we may carry out our own objects and our own purposes through their agency. The labor that they have given to this work, and the services they render, are altogether gratuitous; and certainly they ought not to be abused for doing what we asked them to do with reference to matters which we have placed under their control, without their requesting us to do it. That is the simple fact about this matter. It has nothing to do with the institution.

Now, sir, as to the Smithsonian Institution itself, what it has done for science, and what it is doing for science. I have no doubt that it is doing much; how much, I do not know. I confess the same ignorance that has been confessed by my friend from New Hampshire, with the addition that I feel ashamed I do not know more about it. I ought to know more about it. I have only to leave my other avocations, which prevent me from knowing what I want to know. It is my own fault.

Mr. Douglas. I desire to add but a word to what has been so well said by the Senator from Maine. This burden was imposed upon the Smithsonian Institution, not only without their request but against their wish. These objects were collected by the exploring expeditions, and deposited in the Patent Office. They were kept there and preserved as objects of great curiosity and great interest, until they occu-

pied so large a space that the Government could not afford the room. They needed the room, and had no place to put them in. The Smithsonian Institution happened to have vacant space; but these collections were not connected with the objects of that institution. The institution was willing to give them the room free of rent. They were willing to take charge of the collection, if the annual expenses of the burden thus imposed was borne by the Government. It was accepted as a great favor by the Government. I do think, if they are worthy of our encouragement, we ought to pay the actual expenses, no more, of taking charge of these objects of curiosity. Probably there is no object of greater curiosity to the visitor and the stranger who comes to Washington, than this museum thus collected; and inasmuch as they would be an attraction to the institution, they were willing to accept them; but the objects themselves belonged to the Government. The Smithsonian Institution is giving the Government a place in which to keep them. I think, therefore, that we are bound by every consideration of public policy and duty to make this appropriation. I will not occupy time, for I believe it will be voted almost unanimously.

Mr. CAMERON. I must say a word in reply to what has been said by the Senator from Maine and the Senator from Illinois. I do not believe that they have studied this subject so well as they usually study questions. It occurs to my mind that all this labor which we have imposed upon the Smithsonian Institution they have invited. I remember when this exploring expedition came in, it was said specimens were brought home that would be valueless to the country, unless we put them in the Patent Office. After a while somebody came, and asked that they should be given to the Smithsonian Institution, because, it was said, it would be an attraction to that building, take people there, make it a credit to the country; and we voted for it. After a while, they asked us to give them a certain number of books, which scientific persons had written, and we had paid for the printing of. The rule used to be that all those books were sent to Congress, and distributed by members of Congress; but gentlemen here said we ought not to distribute them; we should give them to the Department of the Interior. Then we gave them to the Patent Office; and then to the Smithsonian Institution; and now these gentlemen ask us to pay them, for distributing those very things which they invited us to give them.

M. PEARCE. I will ask the Senator to specify what scientific books the institution has ever asked us to give them?

Mr. CAMERON. When I think the gentleman has a right to ask a question, I will answer it. I will say to the gentleman now that I want this institution to sustain itself. There is no reason why we should appropriate money from year to year to keep up that, a bit more than that you should build up a scientific institution in the village where I live. What right has that institution to come here, and what right have we to expend money to keep up an institution for the benefit only of those who live by it? The Government has no interest in it. The gentlemen who get their salaries, and who live on the money which old Smithson gave us, have an interest in it; but we have none. I shall vote against it, if nobody else does.

Mr. DOUGLAS. I think it is unfair for my friend from Maryland to be putting questions to my friend from Pennsylvania, for he is evidently joking in what he says. He is not serious when he talks about the request of the institution made to Congress for this appropriation and that appropriation. It is contrary to the known history of the institution, and to the known history of the country. It is a very good joke on the part of the Senator from Pennsylvania; but I really think the Senate are not going to vote down this amendment on the strength of that joke.

Mr. CAMERON. I will merely say, if the gentlemen of that institution do not want to have the charge of these things, let them give them up. What do we care about stuffed snakes, alligators, and all such things. [Laughter.]

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Carolina to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment as amended.

Mr. KING. What is the amendment as amended?

The PRESIDING OFFICER. The Secretary will read it.

The Secretary read it, as follows:

For the distribution of the collections of the exploring and survey expeditions of the Government, and the construction of additional cases to receive such part of said collections as may be retained by the Government, $6,000; such distribution to be made to institutions willing to receive the same at their own expense.

Mr. FESSENDEN. That refers merely to the transportation.

Mr. GRIMES. What is the appropriation of $6,000 for?

Mr. FESSENDEN. For putting them in order and arranging them.

Mr. CAMERON. I move to strike out the appropriation. I have no doubt if these things are of any use, scientific people will be glad to get them, and I am willing to let them have them, if they will take them.

Mr. RICE. The question strikes me in two different aspects, a personal and an official one. If we have a right to make an appropriation for distributing stuffed snakes, and the various other things that may be collected and brought here, why have we not a right to make an appropriation for distributing the models in the Patent Office; or distributing hoes, plows, and other implements? This has all grown out of an infraction, in my opinion, of the Constitution, by distributing seeds. We must stop somewhere. If you can do this under the Constitution, what can you not do? I know that the Smithsonian Institution has done great good for the country. I am applied to daily, for books published by it, and I know that they are valuable; but it is not, under the Constitution, a Government institution. Let us stop somewhere, and I think we might as well stop here as anywhere.

Mr. HALE. I think so too. I should like the country to know how much we have spent for printing pictures of bugs, reptiles, &c., that these exploring expeditions have brought here. We published eleven or twelve volumes of the exploring expedition, illustrated with pictures of bugs, snakes, and reptiles. It has cost us millions of dollars to print those pictures, and now we are going to spend $10,000 to distribute them after spending millions to print pictures of them. The thing is all wrong, sir.

Mr. MASON. Mr. President, I have been for many years one of the regents of this institution, under the appointment of the Senate, in connection with my friend from Maryland. We know that it is a public trust; one, we think, of a sacred character. We know as a fact, and it appears in the records of that institution, that these specimens of natural history, sent from the Patent Office to the Smithsonian Institution, were sent there against the remonstrances, repeated from year to year, of that institution; and if either the Senator from Pennsylvania, or the Senator from New Hampshire, or any gentleman who thinks with them, would introduce an amendment to this bill directing

the institution to throw what they had received from the Government out of doors—just put it out of doors, and let it rot—I will vote for it. It belongs to the Government. It does not belong to the institution. It has no business there within the terms of the trust; none whatever. It was forced upon them against their will; as they believe, in violation of the trust left to us by Smithson; and if those gentleman will devise any mode to take away all these specimens of natural history sent there by the Government, I will vote for it cheerfully. I do not know that I would not consider it incumbent upon me, for the purpose of getting rid of them, if the Government will not bear the expense of throwing them out of doors, to vote it out of the funds of the institution.

Mr. Cameron. I will take the Senator from Virginia at his word, as far as I am concerned, and say let them throw them out of doors. They are good for nothing there, and they are good for nothing out of doors. Suppose these gentlemen were to come here now asking us to appropriate six or ten thousand dollars to distribute through this country specimens of the finest arts the world has ever produced, which they could purchase for that sum of money in Europe, would not everybody vote against it? There is not a man here who would not vote against a proposition to bring the finest statuary and the finest paintings—

Mr. Mason. Will the Senator allow me to interrupt him a moment?

Mr. Cameron. Certainly.

Mr. Mason. The Senator says he will do it.

Mr. Cameron. As far as I am concerned.

Mr. Mason. The law now directs that these objects shall be sent to the Smithsonian Institution. Let the Senator, on his responsibility, propose to repeal that law, and I will vote for it.

Mr. Cameron. I will do that most cheerfully.

Mr. Mason. Well, do it now.

Mr. Cameron. Sufficient for the day is the evil thereof. I will bring in a bill to-morrow, if Senators think it proper; but we are discussing this question now. Here is an appropriation of $6,000 for a most worthless purpose; and what right have we to appropriate it? When we are all talking about the distresses of the country; when we do not know how much country we shall have in a few days; when the Treasury is empty—not a dollar to pay even members of Congress, to pay laborers out of doors—we are to appropri-

ate six or ten thousand dollars to preserve a parcel of what you call scientific specimens. A Senator over the way said they were toads and snakes, and I have no doubt they are that sort of thing. [Laughter.] They are no use to anybody now; they have served their day.

I am tired of all this thing called science here. It was only the other day we made another appropriation in regard to the expedition which Captain Wilkes took out to the Pacific ocean. We have paid $1,000 a volume for the book which he published. Who has ever seen that book outside of this Senate; and how many copies are there of it in this country? We have spent millions in that sort of thing for the last few years, and it is time it should be stopped. Now, the only way—and I say it in all sincerity—in which I think this Smithsonian Institution can be useful to the country, is by living within its means; that it shall not ask any aid of the Government at all; that it shall not rely on patronage, but on the good it does, and the benefit it confers, to sustain it. The country at large, and the people of this country will take care of it, if it is worthy to be taken care of; but if they come to the Legislature every year asking for an appropriation, it must sink. As a friend of that institution, and as a friend of the very distinguished and able and pure man who is at the head of it, I do not want it to be connected with the Government at all.

The PRESIDING OFFICER. The Chair understands the Senator from Pennsylvania to move to strike out the appropriation contained in the amendment.

Mr. CAMERON. Yes, sir.

The PRESIDING OFFICER. The question, then, will be on the amendment to the amendment, to strike out the appropriation.

Mr. CAMERON and Mr. HALE. Let us have the yeas and nays on that.

Mr. BINGHAM. Why cannot we take a vote direct on the amendment?

Mr. CAMERON. I have no objection to that. I withdraw the call.

Mr. HALE. I hope we shall have the yeas and nays on the amendment of the committee.

The PRESIDING OFFICER. Does the Senator from Pennsylvania withdraw his amendment?

Mr. CAMERON. Yes, sir.

The PRESIDING OFFICER. The question then will be on the amendment of the committee as amended on motion of the Senator from North Carolina.

Mr. CAMERON. I desire to have the yeas and nays taken on that question.

The yeas and nays were ordered.

Mr. HALE. I simply want to call the attention of the Senate to the fact that we have stricken out of the amendment, on motion of the Senator from North Carolina, all the expenses incurred for distribution; and now you propose to give $6,000 to make bug cases alone, without any transportation.

Mr. FESSENDEN. I will suggest that it is now within four minutes of the time when we agreed to take a recess.

Mr. CAMERON. Let us take a vote.

The question being taken by yeas and nays on the amendment of the Committee on Finance, as amended, resulted—yeas 29, nays 6; as follows:

YEAS—Messrs. Anthony, Bigler, Bragg, Chandler, Clark, Dixon, Douglas, Durkee, Fessenden, Foot, Foster, Harlan, Hemphill, Johnson of Arkansas, Johnson of Tennessee, Lane, Latham, Mason, Nicholson, Pearce, Polk, Powell, Sebastian, Seward, Simmons, Sumner, Ten Eyck, Wade, and Wilson—29.

NAYS—Messrs. Cameron, Grimes, Hale, King, Rice, and Wilson—6.

So the amendment, as amended, was agreed to.

SENATE, *February* 22, 1861.

The following resolution was passed:

Resolved, &c., That the vacancies in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress," be filled by the appointment of William L. Dayton, of New Jersey, in place of Richard Rush, deceased; William B. Astor, of New York, in place of Gideon Hawley, whose term has expired; and that Cornelius C. Felton, of Massachusetts, whose term has expired, be reappointed.

March 7, 1861.—The President of the Senate reappointed Mr. James A. Pearce as Regent.

HOUSE OF REPRESENTATIVES, *February* 21, 1860.

The Speaker reappointed as regents Mr. W. H. English of Indiana, Mr. Benjamin Stanton of Ohio, and Mr. Lucius J. Gartrell of Georgia.

June 11, 1860.—Annual report of the Smithsonian Institution, for 1859, presented.

Mr. STANTON moved that 5,000 extra copies of the report be printed.

June 12, 1860.—The following resolution was adopted:

Resolved, That there be printed 5,000 extra copies of the Report of the Smithsonian Institution, for the year 1860; 3,000 for the use of the members of the House, and 2,000 for the use of the said institution.

February 27, 1861.—Report of the Smithsonian Institution, for 1860, presented, and ordered to be printed.

February 28, 1861.—The following resolution was passed:

Resolved, That there be printed 5,000 extra copies of the Report of the Smithsonian Institution, for the year 1860; 3,000 for the use of the members of the House, and 2,000 for the use of the said institution.

March 2, 1861.—The Senate resolution, of February 22, was passed.

THIRTY-SEVENTH CONGRESS.

SENATE, *December* 4, 1861.

The CHAIR announced the appointment of W. P. Fessenden of Maine, and Lyman Trumbull of Illinois, as regents.

March 3, 1862.—Mr. DIXON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 56) for the appointment of a regent of the Smithsonian Institution; which was read twice by its title.

Mr. DIXON. Let the resolution be read at length.

The Secretary read it, as follows:

Resolved, &c., That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than members of Congress, caused by the decease of Cornelius C. Felton, be filled by the appointment of Henry Barnard, of Connecticut.

Mr. DIXON. Mr. Barnard is so well known to the Senate, and to the whole country, for his devotion to the cause of public education, that I am in hopes the resolution may be passed, even without a reference. He has devoted his life to the very object specified in the will of Mr. Smithson, "the diffusion of knowledge among mankind;" and, therefore, I am in hopes the Senate will consent to its immediate passage. If not, I shall not urge it, but move its reference.

The VICE PRESIDENT. The Senator from Connecticut asks the unanimous consent of the Senate to consider this resolution at the present time.

Mr. FESSENDEN. I must object to that. Although the confession argues myself unknown, I must say that I never heard of Mr. Barnard before.

The VICE PRESIDENT. Objection being made to the consideration of the resolution, it will be referred to the Committee on the Library.

Mr. DIXON. Mr. President—

The VICE PRESIDENT. It is not subject to discussion.

Mr. DIXON. I should myself, on objection being offered,

have made a motion to refer it to the Committee on the Library.

The VICE PRESIDENT. It is referred.

Mr. DIXON. I feel that I ought to say one word, if the Senate will allow me, though not strictly in order, in reply to the remark of the Senator from Maine, that he had never heard of Mr. Barnard. It is unfortunate undoubtedly, and may seem to be a reflection on Mr. Barnard. He is known everywhere throughout the whole country and in Europe for his exertions in the cause of popular education. I would not have said a word but for that remark, which might imply some disrespect on the part of the Senator to Mr. Barnard, which I hope, however, was not the case.

Mr. FESSENDEN. I meant none in the world. I meant simply to say that it so happened, unfortunately for myself, that I never heard of Mr. Barnard, and I would rather the matter should be referred.

Mr. DIXON. I supposed it to be so, yet felt that I ought to say so much in justice to a gentleman so widely and favorably known.

March 28, 1862.—Mr. COLLAMER, from the Committee on the Library, reported unanimously in favor of the passage of the House resolution, for the appointment of T. D. Woolsey, regent; adopted.

April 1, 1862.—Mr. DIXON. Yesterday, I think, during my absence from my seat, or when my attention was not directed to it, the Senator from Vermont [Mr. Collamer] called up a joint resolution appointing President Woolsey, of Yale College, a regent of the Smithsonian Institution. I had previously offered a resolution for the appointment of Mr. Barnard, of Connecticut. Mr. Barnard has requested me to withdraw his name. I ought to have done it, and should have done it yesterday in justice to him, if I had been present when that joint resolution was passed. I ask the consent of the Senate to allow the reading of a letter from Mr. Barnard, in which he requests that his name may be withdrawn, and Mr. Woolsey be appointed.

The PRESIDENT *pro tempore.* No objection being made, the letter will be read at the request of the Senator from Connecticut.

The Secretary read it, as follows:

WASHINGTON, *March* 27, 1862.

MY DEAR SIR: I thank you for the kind manner in which you was pleased to present my name to the Senate in nomination for the post of Regent of the Smithsonian Institution. I see by the papers that the name of President Woolsey, of Yale College, has been presented to the House

for the same vacancy. As an "older and better soldier" in the cause of good learning, Dr. Woolsey should receive that appointment by the vote of every friend of my nomination; and I beg, therefore, you will, in your own time and way, withdraw my name, and give your vote and influence heartily for his appointment.

Very truly yours, HENRY BARNARD.

Hon. JAMES DIXON.

Mr. COLLAMER. I merely wish to say that the gentleman is mistaken in one idea. I know he was present when this resolution was called up. He was sitting in his seat.

Mr. DIXON. I presume I was; but my attention was not called to it.

Mr. COLLAMER. The Senator might not have heard it; but he was present.

Mr. DIXON. I was not aware of its being called up.

April 21, 1862.—Joint resolution from House of April 17, adopted.

June 9, 1862.—The following resolution was adopted:

Resolved, That 5,000 additional copies of the report of the Smithsonian Institution, for 1861, be printed; 2,000 for the use of the Smithsonian Institution, and 3,000 for the use of the Senate: *Provided*, That the aggregate number of pages contained in said report shall not exceed 450, without wood-cuts or plates, except those furnished by the institution.

January 16, 1863.—Mr. TRUMBULL moved that the Vice President appoint a member to fill the vacancy in the Board of Regents, occasioned by the death of Hon. J. A. Pearce. Adopted.

The VICE PRESIDENT appointed Mr. Garret Davis of Kentucky, to fill the vacancy.

January 29, 1863.—Mr. WILSON, of Massachusetts, offered a resolution, expelling Geo. E. Badger from the Board of Regents of the Smithsonian Institution and appointing Louis Agassiz in his place.

February 2, 1863.—The VICE PRESIDENT laid before the Senate a letter from Prof. Henry, Secretary of the Smithsonian Institution, transmitting the following resolution, adopted by the Board of Regents; which was, on motion of Mr. SUMNER, referred to the Committee on the Library:

Resolved, That the Secretary be directed to inform the Congress of the United States that George E. Badger, one of the Regents of this institution, has not attended the recent meetings of the board, and they are advised that he is now in rebellion against the Government of the United States, and submit whether the name of said Badger should longer remain on the list of the Regents of the said institution.

February 6, 1863.—Mr. WILSON, of Massachusetts. I move to take up the resolution I submitted some days ago, removing Mr. Badger from the Board of Regents of the Smithsonian Institution and appointing Professor Agassiz in his

place. I propose to refer it to the Committee on the Library, who have the subject under consideration in another form.

The motion was agreed to; and the joint resolution expelling George E. Badger from the Board of Regents of the Smithsonian Institution, and appointing Louis Agassiz in his place, was read the second time, and considered as in Committee of the Whole.

Several SENATORS. Why not pass it now?

Mr. WILSON, of Massachusetts. I should like to have it put on its passage now. I understand that the chairman of the Committee on the Library has no objection to the resolution being considered now, without being referred to the committee.

The joint resolution was reported to the Senate.

Mr. McDOUGALL. I move that the joint resolution be postponed until to-morrow.

Mr. RICHARDSON. I suggest to my friend from California and also to the Senator from Massachusetts, that we had better confine ourselves now to the expulsion of Mr. Badger and leave the appointment to be made as the law requires. I do not know what the law is on the subject.

Mr. TRUMBULL. The appointment is made by joint resolution. This is the usual form.

Mr. WILSON, of Massachusetts. I will simply say that Mr. Badger is now in the place, and I introduced this resolution to expel him and to appoint Professor Agassiz, certainly one of the foremost men of the age in any country. There is now no person upon the Board of Regents from my State; they are scattered elsewhere all about the country. Certainly we could not select in the whole nation any man better fitted for such a position than Professor Agassiz. I hope the resolution will be passed.

Mr. McDOUGALL. I do not take any exception to Professor Agassiz, who, I think, would be a most competent man to fill this place, but I think the business should be disposed of with more care.

Mr. WILSON, of Massachusetts. This subject was brought before us a few days since by the gentlemen connected with the Smithsonian Institution, and facts are presented showing that Mr. Badger is now in the service of the so-called confederate government.

Mr. McDOUGALL. I think Professor Agassiz the most acceptable man that could be named. I do not object to it, except as to the way in which it is done.

Mr. Wilson, of Massachusetts. This is the proper way to do it.

Mr. McDougall. If that is so, I withdraw my objection.

The joint resolution was ordered to be engrossed for a third reading; was read the third time, and passed.

Senate, *February* 23, 1863.

Annual report of the institution for 1862 presented.

Mr. Fessenden moved to print extra copies.

February 28, 1863.—The following resolution was passed:

Resolved, That 5,000 additional copies of the report of the Smithsonian Institution, for 1862, be printed; 2,000 for the use of the Smithsonian Institution, and 3,000 for the use of the Senate: *Provided*, That the aggregate number of pages contained in said report shall not exceed 450, without wood-cuts or plates, except those furnished by the Smithsonian Institution; and that the Superintendent of the Public Printing be authorized, if consistent with the public service, to allow the Smithsonian Institution to stereotype the report at its own expense, or to otherwise print at its own expense, such additional copies as may be desired from the type set in the Government printing establishment.

House of Representatives, *December* 19, 1861.

The Speaker appointed as regents, Messrs. Schuyler Colfax of Indiana, Edward McPherson of Pennsylvania, and Samuel S. Cox of Ohio.

January 8, 1862.—Mr. Holman. I move to amend by striking out the following clause:

"For preservation of the collections of the exploring and surveying expeditions of the Government, $4,000."

I understand this to be an appropriation for the Smithsonian Institution—nothing more and nothing less. It is an appropriation of $4,000 for the purpose of assisting in keeping up the museum connected with that establishment. I find in the last report of the Secretary of the Smithsonian Institution a clause which I will ask to have read in order to indicate how this money is applied.

The extract was read by the Clerk. It states that the annual appropriation of $4,000 made by Congress for keeping the collections of the exploring and surveying expeditions of the United States has been expended, under the direction of the Secretary of the Interior, in assisting to pay the extra expenses of assistants and the cost of arranging and preserving the specimens. This has served to diminish the cost to the Smithsonian fund for the maintenance and exhibition of the museum, but is by no means sufficient to defray all the expenses of that object.

Mr. HOLMAN. I submit the amendment to strike out the clause; and I desire to say, in addition to the explanation contained in the extract just read, that according to the last report made by the Secretary of the Smithsonian Institution there seems to be on hand, of the appropriations for the last few years, the sum of $55,148.09. This amount of money is under the control of that institution—$30,910.14 being annually paid out of the Treasury of the United States for its maintenance. It is very true that this is interest on money which the Government assumed to pay—money which seems to have been loaned out many years ago, and lost. Still it is a direct charge on the Treasury.

Now it seems to me that one of the most desirable features in connection with the Smithsonian Institution, and that which gives to it any degree of popularity, is the museum for the preservation of which this appropriation is designed to be made; and it seems to me that, with so large a fund as that institution now has in its hands, and inasmuch as its object is the diffusion of knowledge among mankind, and as the museum is as effectual in accomplishing that purpose as any other, this $4,000 can very well be paid for such an object out of the annual appropriation. I therefore make the motion that this entire section be stricken out.

Mr. MORRILL, of Vermont. I dislike to oppose the motion of the gentlemen from Indiana, because I believe he is sincerely desirous of saving money to the Government. But in relation to this particular item I think he labors under a slight mistake. Now it is true that all our naval officers are instructed, or at least are in the habit of contributing every year to a very great extent specimens of natural history which are deposited in the Smithsonian Institution. This institution also receives a large collection of specimens in natural history from the various surveying and exploring expeditions. So large has been the receipts by this institution of these specimens that they have supplied many of the scientific associations in the country. This appropriation therefore is not for the benefit of the Smithsonian Institution particularly, but to enable them to take care of and distribute these contributions that are now deposited there, and which they would be very glad to be relieved from the care of. It is but a small item, and, so far as I know, the only one we make for the benefit of science. I hope it will not be stricken out.

Mr. HOLMAN. I ask the gentleman whether a very large amount of the interest annually paid upon the Smithsonian

fund is not absorbed in salaries? I understand that $6,500 is paid annually in the shape of salaries to the secretary and his assistants. It is true that the amount does not come out of the Government directly, but it comes out of the money to sustain that institution, of which some thirty thousand dollars is appropriated by the Government annually.

Mr. MORRILL, of Vermont. I answer the gentleman that the expenditure of the Smithsonian Institution fund is under the control and direction of the regents of that institution, and I suppose they are responsible for the manner in which those funds are expended. So far as I know, their management does not fully meet my approbation, and if we have the power, I should certainly be willing to ask for a reform in the management of that institution. But this is an entirely separate and distinct matter.

Mr. COLFAX. I move to reduce the appropriation $1,000. I make this motion merely for the purpose of saying that I hope the gentleman from Ohio, [Mr. Cox,] who is one of the regents of the Smithsonian Institution, will take care of my colleague [Mr. Holman] in this matter, and that he will defend the institution from the attacks upon it from that side of the House. [Laughter.]

Mr. HOLMAN. I wish to ask my colleague whether, in the expenditures of the $30,000 annually appropriated to supply the funds of this institution, there is any feature more entirely popular in its character or better calculated to carry out the purposes for which the original grant was made than the preservation and enlargement of the museum of the institution?

Mr. COLFAX. I say to my colleague that I concur with him in the remarks he has made; but as I am not yet sworn in as one of the regents, I must refer him for more particular information to the gentleman from Ohio. [Laughter.]

Mr. COX. One word, sir. My friend from Indiana, [Mr. Holman,] who has been placed under my charge by the gentleman of Indiana over the way, [Mr. Colfax,] has made an attack upon this appropriation, and based his attack upon the expenditure of the Smithsonian fund. He finds fault with the action of the regents. In other words, he finds fault because they have taken the interest upon the fund left by that philanthropic Englishman, Smithson, and appropriated some six thousand dollars of it for the salaries of officers. I submit, sir, that the gentleman has no right, and that the House has no right, to inquire into the expenditure of that fund.

Mr. HOLMAN. Is not the interest upon that fund appropriated by Congress?

Mr. COX. The expenditure of the interest upon the Smithsonian fund is under the direction of the regents and nobody else. Congress has nothing to do with it. All that Congress gives is simply the small amount of $4,000 to aid Smithson in his effort to diffuse useful knowledge among men—and women also. [Laughter.] I hope the motion made by the gentleman from Indiana [Mr. Colfax] will, however, prevail. I hope this amount may be cut down to the extent of $1,000 to satisfy my economical friend on my right, [Mr. Holman,] I hope a small reduction will be made upon all these items to satisfy my friend from Indiana, and I think we might spare $1,000 from this amount for that purpose.

Mr. STEVENS. I wish to ask the gentleman from Ohio whether this is not the sum which has always been appropriated for this purpose, and whether that sum has not always been found necessary for the purpose of collecting and distributing these collections?

Mr. COX. I suppose the chairman of the Committee of Ways and Means is perfectly familiar with these matters. I cannot answer, not having yet been sworn in as regent. [Laughter.]

Mr. STEVENS. I rose to ask the question, supposing that I had no right to answer it myself, when one of the regents was present. [Laughter.] If the gentleman from Ohio will give me leave to answer, I will state that this sum has always been appropriated, and the officers of the institution report that it is necessary for these purposes.

Mr. COLFAX. I withdraw my amendment.

Mr. HOLMAN. I renew the amendment. Before the question is taken on it, I desire to state that the sum of $30,000 is always appropriated in payment of the interest on this Smithson fund, although the Government itself has never received any benefit from the fund, and it is only equitably liable for the interest upon it. Out of that sum, as I have stated, $6,500 is paid in the shape of salaries, and if my memory serves me correctly, over $2,000 is placed under the head of contingent expenses, although all proper expenses seem to be covered by the various other items.

Inasmuch, however, as the preservation of this museum comes as much within the original intention of the donor as any other purpose to which it is applied, and is the only really popular feature of the institution, it seems to me that it can properly be provided for out of the regular fund.

Mr. Cox. For the information of the gentleman, I would like to correct him in his statement about the Government not being liable to pay this $30,000 interest money. The Government received $500,000 from the Smithson estate, and was unfortunate in the investment of the money. It invested it, I believe, in Arkansas bonds, which proved worthless. It received the money, and was accountable for it in all honor. And to carry out the purposes for which the fund was intended, they are bound to pay the interest upon the sum at six per cent., which is yearly due from the United States Treasury.

Mr. Holman. I asserted that the payment of this $30,000 was munificence, and not justice, on the part of the Government. I ask the gentleman whether the Government acted, in the acceptance of this trust, in any other capacity than as trustee; and whether, as such, the money was not invested in good faith?

Mr. Cox. I say they did accept the trust, and got the money.

Mr. Holman. And did not they act in good faith in the investment of it, although it was lost?

Mr. Cox. I think they acted with very bad judgment.

The amendment was agreed to.

March 12, 1862.—Mr. McPherson introduced a resolution for the appointment of Theo. D. Woolsey, of Connecticut, as regent, in place of C. C. Felton, deceased; referred to Committee on the Library.

March 14, 1862.—The following appropriation was made:

"For putting the plates of the exploring expedition in order for preservation, and transporting them and the other effects of the expedition, to Washington, to be preserved in some of the public buildings, or at the Smithsonian Institution, $2,000, to be expended under the Joint Committee on the Library of Congress; and if any part of this appropriation shall remain unexpended for these purposes, the same may be applied, if necessary, to the completion of volume twenty-three of the works of said exploring expedition, or to the payment of any arrears of rent, or claims for service, due on account of any of said works."

March 27, 1862.—Mr. McPherson asked unanimous consent to make a unanimous report from the Committee on Library, on resolution appointing T. D. Woolsey, regent.

Mr. Washburne. I object.

Mr. Washburne subsequently withdrew his objection, and it was renewed by Mr. Cox.

March 28, 1862.—Mr. McPherson reported the above resolution; and it was adopted.

April 17, 1862.—Mr. McPherson, from the Committee on

the Library, reported a joint resolution (No. 67) to supply the Smithsonian Institution with a copy of each of the volumes of the Wilkes' Exploring Expedition. Adopted.

June 4, 1862.—Annual report of the Smithsonian Institution, for 1861, presented.

Mr. Cox moved that 5,000 extra copies be printed.

June 5, 1862.—Mr. CLARK, from the Committee on Printing, reported the following, which was adopted:

Resolved, That there be printed 5,000 extra copies of the report of the Smithsonian Institution, for the year 1861; the wood-cuts to be furnished at the expense of the Smithsonian Institution; 3,000 copies for the use of members of the House, and 2,000 for the use of the Institution.

February 19, 1863.—The next bill taken from the Speaker's table was a joint resolution expelling George E. Badger from the Board of Regents of the Smithsonian Institution, and appointing Louis Agassiz in his place; which was read a first and second time.

Mr. WASHBURNE. I move to refer that bill to the Committee on the Library.

Mr. THOMAS, of Massachusetts. I desire to ask the gentleman who reported this resolution what information he has in regard to the course and conduct of Mr. Badger which requires this resolution of expulsion?

Mr. COX. This matter was initiated at a meeting of the Board of Regents of the Smithsonian Institution, at its last meeting. The statement was there made that Mr. Badger was a member of the North Carolina Legislature; that he had made a speech denouncing this Government and favoring the confederate government, and there was no one there who was authorized to deny that that reported speech was not authentic. I should be glad to relieve a gentleman of the high standing of Mr. Badger of any such imputation. He does not attend the meetings of the Regents of the Institution, and we need somebody there to fill his place. I should be happy to hear any statement in exculpation of that gentleman.

Mr. THOMAS, of Massachusetts. All I desire to say is, a letter attributed to him was afterwards stated to have been a forgery. I refer to a letter said to have been written to Governor Stanly.

Mr. MCPHERSON. There appears no doubt of the fact that Mr. Badger is at present a member of the Legislature of North Carolina, and of course he has assumed a position inconsistent with holding an appointment under the United States Government.

Mr. CRITTENDEN. I wish to say that Mr. Badger is a very old friend of mine. I have understood that on the 4th of January last he was prostrated by a stroke of apoplexy. I heard he was *in extremis*, and I do not know whether he is dead or alive.

Mr. COX. I call the previous question upon the passage of the resolution.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof the resolution was ordered to be read a third time, and it was accordingly read the third time, and passed.

Mr. COX moved to reconsider the vote by which the resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

February 27, 1863.—Annual report of the institution for 1862 presented.

Mr. MCPHERSON moved to print extra copies.

March 3, 1863.—Mr. CLARK, from the Committee on Printing, reported the following resolution, which was agreed to:

Resolved, That 5,000 extra copies of the report of the Smithsonian Institution for 1862 be printed—3,000 for the Smithsonian Institution and 2,000 for the use of the members of the present House.

THIRTY-EIGHTH CONGRESS.

SENATE, *June* 13, 1864.

Annual report of the Smithsonian Institution for 1863 laid before the Senate.

Mr. TRUMBULL moved that extra copies of the report be printed.

June 18, 1864.—Mr. ANTHONY, from the Committee on Printing, reported the following:

Resolved, That 5,000 additional copies of the report of the Smithsonian Institution for 1863 be printed—2,000 for the use of the Smithsonian Institution, and 3,000 for the use of the Senate: *Provided*, That the aggregate number of pages contained in said report shall not exceed 450, without woodcuts or plates, except those furnished by the institution; and that the Superintendent of Public Printing be authorized, if consistent with the public service, to allow the Smithsonian Institution to stereotype the report at its own expense, or to otherwise print at its own expense such additional copies as may be desired, from the type set in the Government printing establishment.

December 21, 1864.—Mr. TRUMBULL asked, and by unanimous consent obtained, leave to introduce a bill to repeal the provision of law requiring certain Regents of the Smith-

sonian Institution to be members of the National Institute; which was read twice by its title.

Mr. TRUMBULL. I scarcely know to what committee it would be desirable to refer this bill, and unless somebody wishes it referred, I shall ask the Senate to act upon it at once. If the Senate will indulge me for one moment in making an explanation of it, I think there will be no objection to it.

The act establishing the Smithsonian Institution provided that two of the regents should be residents of the city of Washington and members of the National Institute in the city of Washington. The National Institute was an incorporated association, and its charter has expired. It did not meet with much success; it has been dissolved; and there are now no members of the National Institute. There is a vacancy in the Board of Regents, occasioned by the death of General Totten, which needs to be filled, but it cannot be filled by the appointment of a resident of Washington and a member of this institute, as there are no longer any members of this institute. The objectof this bill is to repeal that provision of the law which requires that two regents should be members of the National Institute. I hope the Senate will let the bill pass at once, as it is desirable to fill that vacancy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COLLAMER. I do not know that I understand the gentleman aright. Is it proposed to repeal that part of the law which requires them to be inhabitants of Washington?

Mr. TRUMBULL. No, sir; not at all. I ask the Secretary to read the bill again, so that the Senator from Vermont may see that it does not repeal that part of the law requiring them to be residents of Washington.

The Secretary read the bill, as follows:

Be it enacted, &c., That so much of the "act to establish the Smithsonian Institute for the increase and diffusion of knowledge among men" as requires that two of the regents of said institution shall be members of the National Institute, in the city of Washington, be, and the same is hereby, repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE OF REPRESENTATIVES, *December* 23, 1863.

The SPEAKER announced that this being the day fixed for the appointment of three Regents for the Smithsonian Institution, he had appointed Messrs. S. S. Cox of Ohio, Henry

Winter Davis of Maryland, and J. W. Patterson of New Hampshire.

June 13, 1864.—Annual report of the Smithsonian Institution laid before the House of Representatives, and Mr. Cox moved that extra copies be printed.

June 28, 1864.—Mr. Clark, from the Committee on Printing, reported the following, which was adopted:

Resolved, That 5,000 extra copies of the report of the Smithsonian Institution, for 1863, be printed; 3,000 for the use of the Smithsonian Institution, and 2,000 for the use of the members of the House.

House of Representatives, *January* 6, 1865.

Mr. Cox. I ask unanimous consent to take from the Speaker's table Senate bill to repeal the provision of law requiring certain Regents of the Smithsonian Institution to be members of the National Institute.

There being no objection, the bill was taken up, and was read a first and second time.

Mr. Cox. I may state that the object of this bill is to repeal that provision of law which requires that two of the regents of the Smithsonian Institution shall be members of the National Institute—an institution which is now obsolete.

The bill was ordered to a third reading, read the third time, and passed.

Mr. Cox moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Senate, *January* 11, 1865.

Mr. Trumbull introduced the following joint resolution:

Resolved, &c., That Richard Delafield, resident of Washington city, be, and he hereby is, appointed a Regent of the Smithsonian Institution, in the place of Joseph G. Totten, deceased.

January 17, 1865.—Senate resolution above passed.

February 2, 1865.—The Senate passed the following resolution:

Resolved, By the Senate, (the House of Representatives concurring,) that the Committee on Public Buildings and Grounds of the Senate, conjointly with the Committee on Public Buildings and Grounds of the House of Representatives, be, and they are hereby, directed to inquire into the origin of the fire by which the Smithsonian Institution building and the valuable deposits therein were, on Tuesday, the 24th day of January, in whole or in part, destroyed; the approximate loss to the Government and to private persons; the means necessary to preserve the remaining portions of said building and its contents from further injury; and such other facts in con-

nection therewith as may be of public interest, and to report by bill or otherwise.

February 21, 1865.—Mr. FOOT, from the Committee on Public Buildings and Grounds, submitted the following report:

The Joint Committee of the Senate and House of Representatives on Public Buildings and Grounds, to which was referred the resolution passed February 2, 1865, *respectfully report:*

That they visited the building, inquired into the origin of the fire, the character and extent of the loss sustained, and requested the regents, through the secretary, to furnish a written report on the subject of investigation. In accordance with this request the following report was presented:

REPORT OF THE SPECIAL COMMITTEE OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION RELATIVE TO THE FIRE.

The special committee appointed by the board at its meeting, on January 28, 1865, to inquire into the origin of the fire at the Smithsonian Institution, to ascertain the extent and character of the loss sustained, and to make suggestions as to what measures should be adopted for the repair and improvement of the building, respectfully report that they have performed the duty assigned them, so far as the time and their means of information would permit.

I.—THE ORIGIN OF THE FIRE.

The testimony has been taken of all persons connected with the establishment that had any knowledge of the occurrence, and a written account of the whole is herewith submitted; also a report from Colonel B. S. Alexander, United States army, who superintended the fire proofing of the main building, of his examinationof the flues con nected with the accident.

It is evident, from the concurrent testimony thus obtained, that the fire commenced in the southwest part of the roof of the main building, in the woodwork immediately under the slate covering, and that it was kindled by the heated air or sparks from a stove which had been temporarily placed in the room immediately below. The pipe of this stove had been inserted, by mistake, into a brick furring-space resembling a flue, which opened under the rafters instead of into the chimney flue, within a few inches of the latter. By whom the hole into which the pipe was inserted was originally made is not known, but it is remembered that a stove-pipe was put into it as far back as 1854, at the time of the exhibition held by the Mechanics' Institute in the building. No fire, however, had been in this room for ten years previous to Monday, 15th January, when the machinist and carpenter of the institution were engaged, with several other of the employés, in rearranging the pictures of the gallery, the weather at the time being unusually cold. These persons, for temporary convenience, set up the stove above mentioned, intending to remove it as soon as their task was finished. A coal fire, kindled with wood, had been burning in this stove for eight days previous to the conflagration, yet it appears from the testimony that no evidence of combustion was observed by a person who passed through the loft six hours before the breaking out of the flames. It is probable, however, that the wood had been undergoing a process of charring for several days.

On account of the very expensive style of architecture selected for the building, and the limited means at the command of the board, the plan had been at first adopted of finishing the interior of the whole edifice with wood and plaster. A large portion, however, of the interior wookwork of the main building, after the roof and exterior had been finished, gave way and fell; whereupon the regents ordered the removal of the woodwork and its place supplied with incombustible materials. Thus the main building was rendered fire-proof, with the exception of the supports of the roof, which being covered with slate, was assumed to be safe. The only danger of th

occurrence of fire was supposed to exist in the two wings and the towers, and to guard against this contingency especial precautions were constantly observed, viz.: 1. No smoking was allowed in any part of the building at any time. 2. No lights were allowed to be carried from one part of the building to another except in lanterns. 3. Three coils of large hose were deposited, ready for use, one in the upper story, and the other two on the first floor of the building; and there were water-pipes in the basement with faucets. 4. Barrels and buckets, kept constantly filled with water, were placed at different points of the building. 5. The rule was observed of cleaning the flues every autumn before the commencement of fires. 6. A watchman was employed each night, who made every hour the rounds of all the rooms in the building, giving special attention to those in which fire had been kindled during the day, including the apartments occupied by the family of the secretary.

These precautions, however, as it has proved, were of no avail—the fire having occurred at a point where no danger was apprehended, and to which access could with difficulty be obtained.

II.—THE CHARACTER AND EXTENT OF THE LOSS SUSTAINED.

The loss to the institution was as follows:

1. The contents of the secretary's office, consisting of the official, scientific, and miscellaneous correspondence, embracing 35,000 pages of copied letters which had been sent, at least 30,000 of which were the composition of the secretary, and 50,000 pages of letters received by the institution. Here, moreover, were lost the receipts for publications and specimens; reports on various subjects which have been referred to the institution; the records of experiments instituted by the secretary for the government; four manuscripts of original investigations, which had been adopted by the institution for publication; a part of the manuscript material of the report of the secretary for 1864; a large number of papers and scientific notes of the secretary; a series of diaries and memorandum books, and a duplicate set of account books, prepared during the last twelve years, with great labor, by Mr. Rhees, the chief clerk; also, about one hundred volumes of valuable works kept at hand for constant reference.

2. In the apparatus room, the large collection of scientific instruments, including the donation of the late Dr. Hare.

3. A part of the contents of the regents' room, including the personal effects of Smithson, with the exception of his portrait and library.

4. The contents of the rooms in the towers, including the meteorological instruments, the workshop, containing a lathe and a large number of valuable tools, nearly all the stock on hand of the duplicate copies of the annual reports, and many other public documents and books intended for distribution to libraries, as well as a quantity of stationery, hardware, &c.

5. The wood-cuts of the illustrations contained in the Smithsonian publications.

The loss to other parties was as follows:

1. The contents of what was called the Picture Gallery, viz.: *a.* About two hundred portraits, nearly all of life size, painted and principally owned by Mr. J. M. Stanley, formerly of this city, and now of Detroit, Michigan, and which were on deposit in the institution. *b.* A number of half-size Indian portraits, painted by Mr. King for the Government. *c.* A copy, in Carrera marble, of the antique statue known as the "Dying Gladiator," by John Gott, and owned by Mr. J. C. McGuire, of this city.

2. A number of surveying instruments belonging to the Government.

3. The clothing, books, and private effects of several of the persons connected with the institution, and of those engaged in scientific studies.

4. The library removed from Beaufort, South Carolina, by the army, and also that of Bishop Johns, from Fairfax Theological Seminary, given in charge to the institution by the Secretary of War for safe-keeping, which libraries were stored in an upper room in the south tower.

Independent of injury to the building, the loss to the institution, as far as it may be estimated and can be restored by money, may be stated at about $20,000; and to individuals, $26,000, viz.: To Mr. J. M. Stanley, $20,000; Mr. J. C. McGuire, $1,000; Prof. Joseph Henry, $1,500; Mr. W. J. Rhees, $1,200; Mr. W. DeBeust, $1,300; and all others, $1,000.

Although the loss which the institution and individuals have sustained is much to be regretted, yet it is a source of consolation that by far the greater part of the valuable contents of the building have escaped without injury. The valuable library of the institution, the most extensive, in regard to the transactions of learned societies and scientific books, in this country; the museum, including the collection of the exploring expedition and those of the institution; the large stock of many thousand duplicate specimens for distribution to all parts of the world; the records of the museum; a large portion of the correspondence relative to natural history; nearly all the records of meteorological observations which have been accumulated during the last fifteen years; the sets of Smithsonian publications (except the annual reports) which have been reserved to supply new institutions, and the stereotype plates of all the works which have been published during the last four or five years, have been saved. All the original vouchers of payments made by the institution, the ledger in which they were posted, and the day-book from 1858, were also preserved, having been deposited in a safe in the regents' room. The contents of the connecting range between the library and the museum are uninjured; this includes a series of plaster casts and portraits of distinguished men, among the latter a life-size portrait of Guizot, by Healy; an original full-length figure of Washington, by the elder Peale, and also a valuable series of rare engravings illlustrative of the history of art, purchased from the Hon. George P. Marsh.

All the important acts of the regents from the beginning, and an account of the operations of the institution, having been published from year to year in the several reports to Congress, a continued record of the history of the establishment from the beginning is, therefore, still in existence. As these reports have been widely distributed, they are generally accessible to the public.

The burning of the roof of the building can scarcely in itself be considered a calamity, since it probably would have occurred at some future time when a much larger accumulation of valuable articles might have been destroyed; and since it will now be replaced by one of fire-proof materials. The fire-proofing, as far as it was carried, was well done, and it is to this circumstance that the preservation of the most valuable objects of the establishment is due.

III.—SUGGESTIONS AS TO WHAT SHOULD BE DONE.

There can be no hesitation in adopting the conclusion that steps should be immediately taken not only to repair the injury, but to improve the condition of the building.

1. The main edifice should be provided with a metallic roof.
2. For the wooden conical terminations of the towers should be substituted metallic coverings.
3. All valuable articles belonging to the institution or deposited in it, including the library, should be placed in the main building, which should be cut off from the wings by iron doors.
4. Provision should be made for a thorough heating of the whole building by steam or hot water.
5. Suggestions should be requested from competent architects and engineers as to work to be done, and those which are adopted should be embodied in working plans and drawings.
6. A building committee of the board should be appointed to have charge of the work.

No very exact estimate can as yet be made as to the cost of the repairs, &c., for it has not been possible, without erecting a scaffolding, to deter-

mine whether it will be necessary to take down the high northern tower. Colonel Alexander, of the engineer corps, however, has informed the committee that he thinks $100,000 will be required to make the necessary repairs and improvements.

The committee cannot conclude without adding that, in their opinion, the occurrence of the fire ought not to be allowed to interfere with the active operations of the institution, on which essentially depends the reputation it has established throughout the world, and its efficiency as an instrument for "the increase and diffusion of knowledge among men." To the support and extension of these operations, therefore, the annual interest from the original fund should, as far as possible, continue as heretofore to be conscientiously applied.

Respectfully submitted,

RICHARD WALLACH,
JOSEPH HENRY,
Special Committee.

WASHINGTON, *February*, 1865.

At a subsequent meeting of the committee, Professor Henry was requested to state his connection with the institution, to give an account of its objects and operations, the origin of the building, and such other facts as might be of public interest. In conformity with this request he made the following statement: (See Rep. Com., No. 129, 38th Congress, 2d session.)

Mr. FOOT offered a resolution to print 1,000 extra copies of the report; 500 of which to be for the use of the Smithsonian Institution.

February 22, 1865.—The resolution of Mr. Foot was adopted.

March 1, 1865.—Annual report, for the year 1864, presented, and ordered to be printed.

March 3, 1865.—The next amendment was to insert the following as a new section:

And be it further enacted, That the Secretary of the Treasury be directed to pay the interest on the debt due the Smithsonian Institution in coin, as the interest on other permanent debts due by the United States prior to the present rebellion have been and are paid.

Mr. GRIMES. I have a word to say on that subject. I am opposed to the adoption of that amendment. In the first place, I do not know any reason why there should be a distinction made between a debt that is due to the Smithsonian Institution and a debt due to anybody else by the United States Government. I understand that by some construction or other the Treasury Department have decided that this is a kind of trust debt; and that from this time henceforth they intend to pay the interest upon what they call the trust fund in gold. The purpose of this amendment is to make this retrospective, and to pay some forty thousand dollars in currency, being the difference between the amount which has hitherto been received by the Smithsonian Institution and that which they claim they ought to have received and would have received if this money had

been paid to them in coin. The Smithsonian Institution is a very wealthy corporation, and is able to reimburse itself, and to rebuild and refit the buildings which have been recently destroyed. It will be remembered that when Mr. Smithson made this bequest, or shortly after he made it, the Government created a corporation. That corporation, or their trustee, saw fit to invest their money in Arkansas bonds. Those bonds mostly turned out to be valueless. The Government, however, assumed it, and we now pay, and have for many years paid, the Smithsonian Institution upward of $30,000 a year upon this amount of $515,000, I think that it is, which is the amount of the permanent fund of the Smithsonian Institution.

Mr. Sumner. Allow me to ask the Senator whether the Government did not make that investment in Arkansas bonds? I think it was not an act of the corporation, but of the Government.

Mr. Grimes. It is perfectly immaterial, so far as this question is concerned, whether the Government made it, or whether the Regents of the Smithsonian Institution made it directly themselves; for if the Government made it, the Government made that investment at the instance and the request of the Regents of the Smithsonian Institution.

Mr. Sumner. No; it was before the organization; before there were regents.

Mr. Grimes. Mr. President, the amount of the fund belonging to the Smithsonian Institution is $515,000. They expended in the building, on the public reservation, $325,000. It is claimed by them that to put the roof on the building, and put it in about the condition it was in before the fire, there will be required from thirty-six to forty thousand dollars; but to improve it as they want to improve it, to make it entirely fire-proof, to change its construction very materially, they say they have the opinion of an army engineer, Colonel Alexander, but who is no architect, no expert, and whose judgment, therefore, is worthless in a matter of this kind, that it will cost somewhere in the neighborhood of $100,000. This institution, beside the $515,000 upon which we are paying them the interest, have accumulated from that interest $75,000 in Indiana State bonds, which are good; $53,500 in Virginia bonds, which are not of much value; $12,000 in Tennessee bonds; $500 in Georgia bonds; and $100 in Washington city bonds. Then they have in cash $20,000, and they have in gold $26,200, which is worth $52,000 to-day in currency. So it will be observed that they have in available funds, saying nothing about the Vir-

ginia, Tennessee, Georgia, and Washington bonds, $95,000, beside $26,200 in gold.

I have heard it said that we ought to pay the Smithsonian Institution this money in gold, because we pay some of the Indians by treaty stipulation in gold. I think the Senators who are members of the Committee on Indian Affairs will bear testimony to the Senate that we have paid gold to no Indians except where there was an express agreement in the treaty that payment should be made in coin. We have had, and have, an abundance of treaties with the Indians; we hold their money in trust; but in no instance, I undertake to say, has the money been paid to these Indians in gold except when there was an express stipulation in the treaty that it should be paid in gold. I know of no reason why there should be an exception made in favor of this rich corporation, the Smithsonian Institution—why they should be treated any better than our Indian tribes are treated.

Mr. Collamer. Are they not paid in gold?

Mr. Grimes. I undertake to say that there are not and have not been any Indians paid in gold except where there was an express stipulation in the treaty that they should be paid in coin. I asked the gentlemen on the Committee on Indian Affairs, when the Indian appropriation bill was under consideration the other day, if that was not so, and they said it was so. The Senator from Kansas [Mr. Lane] bowed his head and said it was so. There are treaties made with the Indians, I admit, by which we have agreed to pay them in coin; and then there are other treaties in which we have not that stipulation; but where that stipulation is not embodied in the treaty we do not pay them in coin. There is lying on your table at this moment a communication from the Secretary of the Interior, asking that we shall do for these Indians precisely what the Smithsonian Institution asks we shall do for them—that we shall pay them in coin in the future. But this Senate, so far as I know, has refused to do that; so far as I am informed, the Committee on Indian Affairs have utterly refused to do it. I do not see the chairman of the Committee on Indian Affairs present, nor my colleague; but there are gentlemen here, I think, who know what the facts are in regard to the payment of these Indians. Now, I ask, if it be true, and I think it will be demonstrated in a few minutes that it is true, that this is the method in which we treat the Indians whose funds we hold in trust, is there any very substantial reason why we should deviate from this rule in favor of this corporation, the Smithsonian Institution?

Mr. SHERMAN. The Committee on Finance have no doubt at all about this proposition so far as it is now reported. It is true that a proposition was submitted to the committee that the back payments already made should be made equal to gold. That we rejected on the ground that the money having been received by the corporation, without any objection, they certainly cannot now present a legal claim against the United States to make good any loss which may have accrued from their taking a depreciated currency. But upon the main question, that they are entitled to the interest of this trust fund in gold, we had no doubt. All the permanent debt of the United States is now payable in coin. That has been the established policy of the Government since the foundation of the Government, and I think it never has been departed from. Let me put this case: suppose this corporation, instead of allowing this money to remain simply as a trust fund in the Treasury of the United States, had taken bonds of the United States registered in the ordinary way, which they had a right to do, and left them in the Treasury Department; they would have drawn their interest in gold precisely as the holder of any other bonds would have done. I am informed that this now stands as a registered debt.

Mr. GRIMES. How long has that been so?

Mr. SHERMAN. Always, I presume. It stands as a trust debt. There is no difference between them.

Mr. GRIMES. Where is the distinction between this case and that of the Indians?

Mr. SHERMAN. I will mention that in a few moments.

There is, therefore, no distinction between this case and any other portion of the permanent debt of the United States. This corporation, whether rich or poor, whether it is a charitable one, or one making money on its own account, would have the right to demand of the Government the same interest that is paid to any other bondholder of the United States. The fact that this money stands to the credit of this corporation as a trust fund in the Treasury Department only strengthens that obligation, because it is a general rule of equity, as well as a rule of law, that a trust fund must be treated more favorably than any other fund. Therefore the United States, having assumed the burden of a trustee, would be held in a court of equity to a more rigorous rule than it would be even where it stands upon its legal rights. If the United States is bound to pay to any other class of bondholders interest in gold, it certainly should do so to this corporation, whether it be rich

or poor, whether it be a charitable one or one making money on its own account. It seems to me, therefore, the proposition is plain.

But the Senator says that we have refused to do this with the Indians. The difference between our treaties with the Indians and an obligation of this kind is, that an Indian treaty requires us to pay annuities from time to time; every year we pay so much. It seems to me there is a distinction between the two. Wherever we stipulate to pay these annuities in coin, we pay them in coin. There is a difference between the payment of an annuity and the payment of interest on the public debt; and that difference has always been recognized since the foundation of the Government. But even if we did injustice to the Indians, we make it good by the payment of large bounties; we more than make it good by our annual appropriations for the expenses of the Indian department. Since the recent condition of affairs, since we have been involved in war, we have appropriated very large sums, this year amounting to more than a million dollars, for the benefit of the Indians not included in Indian treaties. We have indeed made good to them the appropriations in gold, or nearly so. If therefore, there is any injustice done to the Indians, it certainly is not a peculiar hardship.

In this case the proposition was so plain that the committee had no hesitation about awarding the payment in gold from this time forward. I am told that this question has never been acted upon in the Treasury Department, but that if these parties had demanded their interest in gold, precisely as other creditors have done, and as they had a right to do, they would have been paid in coin at any time since the beginning of this war. There has been no distinction in the Treasury Department between this debt and any other funded debt of the United States the interest of which is payable in coin.

Mr. Hale. If I do not entirely misunderstand the nature of this case, it seems to me there is no force in the suggestions which have been made in regard to any obligations of the Government, for this reason: this Mr. Smithson gave this fund, some five hundred thousand dollars or more, to the United States; they are the beneficiaries of this donation; it was the property of the United States, and the Smithsonian Institution, whether it was a wise or an unwise creation of Congress, was simply a machinery instituted by the United States for the purpose of carrying on and carrying out the bequest of Mr. Smithson. To speak of this institu-

tion as an institution apart from the Government of the United States, to my humble comprehension is perfectly absurd. It is the United States that own this institution. It was for the benefit of the United States that the fund was given to them; and Congress, because it was not convenient to take it and manage it, as they did the other interests of the Government, created these agents, created this institution, as a mere matter of convenience by which the Government might manage the fund that was intrusted to them for the purposes specified in Mr. Smithson's will. They have no claim, no interest, in this matter. The only question was, how shall the Government, if they accept the trust, carry it on? They concluded to carry it on by this machinery. It is not an institution adverse to the United States Government. It is not an institution that has the least claim under heaven upon the Government. They are the mere creatures of the Government, to enable them, according to the purport of the will, to execute the trust that has been confided to them. How can they come here and occupy the position of creditors? They are no creditors. They have no interest under heaven, not the slightest; they are the mere agents appointed by law to execute this trust for the United States in the use of a fund which belongs to the United States. That is the whole of it. That being the case, this being the property of the United States, managed for their benefit through this instrumentality, it is contended that the Government of the United States shall increase by a hundredfold the appropriations for the institution. I do not see the slightest claim in the world.

Let me state another fact. The honorable Senator from Iowa did not state this thing exactly as it was. The fact was that about 1840, or not far from that time—I do not know the exact time that this fund was given to the United States—was a pretty hard time for the Democratic party; they had had bad luck, and the Secretary of the Treasury took the whole of this fund, every dollar of it, and gave it to Arkansas, no doubt for highly patriotic purposes, [laughter,] and it was all sunk; and there was an end of the bubble, or ought to have been. But Congress were so much tickled with the idea of this bequest that they assumed the debt. They did not make much by investing it in Arkansas politics; everything went by default, and then Congress stepped in and paid out of the Treasury that which they had wasted.

I will not repeat what I have heretofore said in regard to this institution; I will not say but that it is possibly a wise

one, and a wise appropriation of public money, because it is rather impertinent to the question that is now before the Senate. It has been characterized, I think by Greeley—and I do not often quote him—as a sort of lying-in hospital for literary valetudinarians, [laughter,] and that is about the amount of it. I remember once that some friends were here and had been visiting about the places of interest in the city of Washington, and had got pretty much through with them, when I asked them, "What are you going to do to-day?" They said they were going to look at the Smithsonian Institution, and find out what it was. I told them I was exceedingly glad they were going to start on such a mission, and I asked them, if they did find out, to tell me when they got back. They did not call on me when they got back. [Laughter.]

Now, sir, I know of no reason under heaven why, when we are paying in currency the men who are shedding their blood in defense of the country, the men who are periling everything for the salvation of the country, we should come in and pay this pet child we have created in this manner in gold. I think it would shock the moral sense of the nation to-day, if they knew that we propose to pay in gold the interest on this debt, which is no debt at all, when we pay those who fight our battles, and shed their blood in our defense, in currency. I hope the amendment will not be adopted.

Mr. HENDRICKS. The Committee on Public Buildings and Grounds investigated this subject to some extent, and became entirely satisfied, with the exception of the Senator from Iowa, I believe, that this interest ought to be paid in gold. I am very glad to hear the statement of the Senator from Iowa. I am glad he is able to prove that this institution is in good condition. I am gratified that he has shown it has full funds, with an accumulation of $75,000 in Indiana bonds—a sure and reliable fund—and something against the State of Virginia. I shall be gratified each session while I have the honor of serving along with him to hear him make as good a statement of the Smithsonian Institution as he has to-night.

He says it is a rich institution. I am glad of that. I was once a member of the Indiana Legislature, and every now and then I heard some Representative or Senator talking about the bloated corporations of the State; and we all had it in our heads that the wealth of the corporations, in some way or other, was made off our constituents, and therefore, to some extent, we were justified in making war upon them,

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for they were men that made their gains off the people. But this is not the case with the corporation that the Senator now styles a wealthy corporation. No money to fill the coffers of that institution came from the good people of Iowa.

Mr. GRIMES. Not until we pay them in gold $62,000 in place of $31,000, while we pay to Iowa soldiers, as the Senator from New Hampshire well said, only six dollars and a half in gold. Then it will come off my constituents.

Mr. HENDRICKS. As I was going on to say, all the rich funds of that institution came not from the people of Iowa or of Indiana. It was a munificent grant from a foreigner, Mr. Smithson, for the purpose of establishing in this country an institution for the acquisition and diffusion of useful knowledge among men. That $500,000 was received, not in paper, but in gold, coming from a kind friend of this country across the water. If, therefore, the institution is rich, it is well for us; if it were poor, it would be a disgrace to us to-day.

Mr. GRIMES. I think the Senator is mistaken in the language used in the will; and I think that in that respect the managers of it have been true to the direction of the testator. It was not "useful knowledge among men," but "knowledge among men." [Laughter.]

Mr. HENDRICKS. Well, sir, whether knowledge is useful or not I will not undertake to discuss now. The purpose of the bequest was to establish in this country an institution for the diffusion of knowledge, or useful knowledge, among men. I think the language used was "useful knowledge." Whether the knowledge that is diffused among men from that institution be useful or not I do not care now to discuss. If I were to judge from the number of applications I have for the reports of that institution, I should say it is useful knowledge.

Then, sir, if the institution is rich, it has cost his constituents and mine nothing; but if it were poor to-day, and we refused to make up the entire fund, it would cost his constituents and mine something—it would cost their honor.

Now, sir, upon the leading question I do not agree with the Senator from New Hampshire. This institution does not belong to us; it is not the property of the United States. The United States, in respect to that institution, and the funds that endowed it, is but the trustee. We are not the beneficiaries, in its language. The people of the world are the beneficiaries; all who can be instructed by the diffusion of useful knowledge are the beneficiaries.

The Senator from New Hampshire spoke also of a loss

because of a purchase of bonds of the State of Arkansas. If we purchased bonds that were not a sure investment, in law, or rather in equity, we are bound to make it good. If the United States, as a trustee, makes a bad investment, she must make that investment good. If the Senator held funds for me, or if, as a guardian, he held funds for some of his minor constituents, and made a bad investment, would he not be compelled to make it up? If he made a bad investment he would be compelled to make it good, unless he used due care and acted under the direction of the court. I admit, if entire diligence is used, perhaps he would not be responsible in a court of equity. But I understand the facts to be that the institution has lost nothing from the Arkansas bonds. That has been made up; they have been paid, and there has been no loss resulting from that investment.

Mr. HALE. The Senator is mistaken.

Mr. HENDRICKS. I was so told the other day. I am not fully informed, except as the committee were informed by Professor Henry, who has this business in charge. That is the way I understand it. The interest has been paid.

Mr. HALE. The bonds have not been paid.

Mr. HENDRICKS. Whether the bonds have been paid or not is not important. We got gold, and were to use it, as a trustee, to establish an institution that would be an ornament to the country as well as useful to the world. Now, sir, what is the obligation of the United States in respect to that, a gold investment, endowing an institution, not for the benefit of the United States, but for the benefit of mankind generally? I understand the decision of the Treasury Department has been that all trust funds are to be paid in gold, and that all the debts against the Government prior to the commencement of the war are to be paid in gold.

Both the Senators have asked why we pay gold to this institution when we pay greenbacks to the soldiers. Why do the Senators agree, by their numerous votes here, to pay gold to the men who buy the bonds of the United States? Why do they make their investment worth twelve per cent., when other men use their money for their own benefit but to the extent of six per cent.? Why do they pay gold to the creditors that they create now, not by $500,000 at a time, but by $600,000,000 at a time, in gold? Let them answer that. It is a question between them and the soldiers. They pay the creditors of the Government in gold and the soldiers in greenbacks. Both Senators unquestionably were governed by proper considerations. I think it is a plain obligation

on the part of the Government to pay this interest in gold. It is according to the practice of the Government, and I should think it a shame to the Government to do otherwise.

Mr. TRUMBULL. I am a little surprised at the course of the Senator from Iowa and the Senator from New Hampshire. The Senator from New Hampshire says this is not a trust at all; this property was given to the United States. It was given to the United States by James Smithson; but it was given for a particular purpose, and it is as much a trust as when any testator bequeaths property to a particular person for a particular purpose. The Congress of the United States in 1846 passed an act by which they recognized this as a trust; and I would like to inquire of the Senator from New Hampshire if he means to repudiate the action of this Government, if he means to repudiate the solemn obligation which this Government has taken upon itself? It is a direct act of repudiation on the part of the Government to deny that this is a trust, and that it is held as a trust for particular purposes. The act of 1846, which I have before me, declares:

"That James Smithson, Esq., of London, in the kingdom of Great Britain, having by his last will and testament given the whole of his property to the United States of America to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men, and the United States having, by an act of Congress, received said property and accepted said trust: Therefore, for the full execution of said trust according to the will of the liberal and enlightened donor, *Be it enacted*," &c.

Here is a solemn act of Congress acknowledging the receipt of this property as a trust fund. It was given for the purpose of founding "at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men;" and the Senator from Iowa says "not useful knowledge." Why, sir, I thought that the term "knowledge" implied that it was a useful thing. I supposed that knowledge was valuable: that it was what we all sought to acquire. This property was accepted in trust for this identical purpose; and to repudiate it now, and say it is no trust, it is the money of the Government, and you have a right to squander it and use it, is as direct a breach of faith as it would be on the part of this Congress to pass a law that it would pay no debt whatever that it had created. It would be the worst species of repudiation—worse than borrowing money and refusing to pay it under ordinary circumstances. The Government has accepted it; it has committed itself to it; and this institution had as perfect a right to call for the payment of the

interest as it fell due, in coin, as had any other creditor of the Government.

The Senator from Iowa wants to know why a distinction is to be made between the debt due the Smithsonian Institution and a debt due any other person: No distinction is to be made. It is the very thing we do not want to do. The Government of the United States, in 1861, when this rebellion broke out, owed some ninety million dollars: and does not the Senator from Iowa know that we paid the interest to every one of the holders of that indebtedness in gold?

Mr. Grimes. I know we did not do it to the Indians.

Mr. Trumbull. You have done it to the Indians in many instances; but because you have wronged the Indian, who cannot assert his rights; because you have violated your treaties with him, and by act of Congress are changing treaties every day, and driving him from the lands that you set apart to him and said you would never disturb him in the possession of; because you impose upon the Indian, do you propose now to violate all your contracts? You are bound to pay the Indian in gold, if you have agreed so to pay him. Sir, this argument by which you talk about not paying the poor soldier in coin smacks a little of a speech upon the stump. The Senator from Iowa votes here to pay the foreign bondholder in coin.

In my opinion this amendment does not go far enough. The reason, probably, for the introduction of the amendment at this time is in consequence of a calamity, the destruction of a part of the Smithsonian building within a few days by fire, involving a very large expenditure to repair the building; but instead of calling upon Congress for an appropriation for that purpose, it was thought on the part of the managers of the institution they would be enabled to get along if they received the interest due the institution in coin. They were entitled to receive it, and they would have received it in coin had they insisted upon it heretofore. The only reason that it has not been insisted upon, as I understand, is that in this great emergency of the country, as the institution was able to get along, the matter was not pressed upon the Secretary of the Treasury, who never denied the obligation of the Government to pay in coin as much upon this debt as any other debt which the Government owed. I am informed by the Senator from Maine [Mr. Farwell] that they received the currency of the country without making a special demand for the coin under the particular condition of things in the country at the time. The institution will be able, as I understand, to repair the

building, provided they receive what they are entitled to receive; and hence this proposition to pay the interest in coin. I shall move an amendment to the proposition to make up the difference between the currency which the institution has received and the coin to which they were entitled, in order that they may have the means to repair the building. I think the Government is bound to pay it by every obligation, and particularly by the obligation which it took upon itself when it accepted this fund.

But the Senator from Iowa brings in here the fact that this fund was invested in Arkansas bonds. Was that the fault of Smithson who made the bequest? Whose fault was it if an improvident use was made of the funds of the institution? But that question is not now to be settled. The Government of the United States has assumed the control of this money, has incorporated this institution, has agreed to pay the interest forever at six per cent. upon the money that was placed in its Treasury; and, unless it means to repudiate this obligation, it is bound to pay it, and it is bound to pay it in the same currency that it pays to other creditors similarly situated. That is all that the institution asks. They probably would not have pressed at this time for the payment in coin but for the misfortune of the fire which has recently occurred. I move to amend the section which is pending by adding to it the following:

And in case the interest heretofore paid to said institution has been paid in a different currency, or of less value, than that paid by the Government on other permanent debts or trust funds, that the Secretary be directed to make up the difference to said Smithsonian Institution.

Mr. Collamer. Mr. President, I do not wish to confine my remarks to the amendment now under consideration. I can see no good reason for the amendment of the Senator from Illinois. So far as this institution have received their interest in any money that was satisfactory to them when they received it, I consider it paid. In relation to what has not been paid them, it undoubtedly should be paid them, as I think, in coin, as is the case with all the trust funds in the hands of the Government.

But, sir, I rose more particularly to make one remark. I feel a good deal gratified at the speeches that have been made on this subject this evening, and from this consideration: Congress, by the votes of many of the gentlemen who have spoken on this subject to-night, passed a law nearly four years ago to enable individuals to pay off their old notes in depreciated paper at half price, and we called it a legal tender. These gentlemen voted for that measure, by which people

were enabled to cheat their creditors, and by which the Government never got anything, and never will. But what particularly gratifies me is this: that while they were willing to make a law, and it is a standing law now, to enable individuals to cheat their creditors by paying them off in money at half price, they are ashamed to do it on their own account, and will not do any such thing; and I hope they never will. [Laughter.]

Mr. DAVIS. Mr. President, I think there is a higher obligation to keep this bequest at its original amount than any legal obligation. Smithson was a natural son of the Duke of Northumberland. He made a declaration in connection with this bequest that he would render his name more famous than that of the illustrious house to which he was allied. He executed a will, in which he bestowed the whole of his estate upon the United States, in trust, to establish, as the honorable Senator from Illinois has just read, an institution to be located in the city of Washington for the increase and diffusion of knowledge among men. That was the highest testimony that that individual could have rendered to the Government of the United States, or to the United States themselves. Although allied to an illustrious house, he gave all that he had of worldly property to our country and to our Government, for the purpose of founding an institution for the increase and diffusion of knowledge. From the circumstances under which the bequest was made, and the manner in which its execution was assumed by our Government, in my judgment, it creates a higher than a legal obligation that the amount and value of this noble bequest shall not deteriorate or be reduced in amount in the hands of those that he charged with the execution of the trust.

The honorable Senator from Illinois says, correctly no doubt, that the reason why this application is now made at this time is because of the misfortune that befell the Smithsonian Institution a few weeks since. That was in some degree the fault of the United States Government. It had property deposited for custody and exhibition in the Interior Department, which was directed by the officers of the Government to be transferred to the Smithsonian Institution for the same custody and for similar exhibition. This property was not properly attached to, or appended to, the Smithsonian Institution. The managers of that institution received the custody and the possession of this property reluctantly, and only because its custody had been imposed upon them by the officials of the United States Government. The proper arrangement of that property in one of its halls

rendered necessary the making of some repairs in the hall that caused the making of a fire in that hall, which resulted in the conflagration of the building.

It seems to me, Mr. President, in view of the nature of the bequest, of the nobleness of the motives of the testator who bequeathed it, of the high scientific purposes for which it was given to the United States; in view of the great trust and confidence that was reposed by the testator in the Government, and in the United States, and in our country; and in view of the fact that this fire that resulted in the burning of the Smithsonian building arose from the imposition of a duty that did not appertain to that institution at all, the United States Government ought to hold itself bound by every obligation to keep the bequest at its original value; and that is all that is proposed.

The PRESIDING OFFICER, (Mr. Foot in the chair.) The question is on the amendment of the Senator from Illinois to the amendment of the committee.

The amendment to the amendment was rejected.

The amendment of the committee was adopted; there being, on a division—ayes twenty-one, noes not counted.

The PRESIDING OFFICER. The amendments reported by the Committee on Finance are all disposed of.

Mr. HALE. I find we have got another Smithsonian Institution on a smaller scale in this bill that I want to get rid of. I move to strike out the following clause:

For publishing the annual report of the National Academy of Sciences, made to Congress, under the act approved March 3, 1863, $6,000.

If there is no objection to striking it out, I have nothing to say.

The amendment was agreed to.

March 7, 1865.—Mr. FOOT offered the following resolution:

Resolved, That the President of the Senate appoint a Regent of the Smithsonian Institution, on the part of the Senate, in the vacancy now existing in the Board of Regents.

The PRESIDENT *pro tempore* appointed Mr. Fessenden.

March 8, 1865.—Mr. ANTHONY. I offer a resolution in connection with the report of the Smithsonian Institution. It is the usual annual resolution on the subject, and has received the assent of the Committee on Printing, and need not, therefore, be referred to that committee:

Resolved, That 5,000 additional copies of the report of the Smithsonian Institution, for 1864, be printed; 3,000 for the use of the Senate, and 2,000 for the use of the Smithsonian Institution: *Provided*, That the aggregate number of pages in said report shall not exceed 450, without wood-cuts or

plates, except those furnished by the institution, and that the report be stereotyped.

Agreed to.

HOUSE OF REPRESENTATIVES, *February* 2, 1865.

The concurrent resolution from the Senate of February 2, was passed.

February 11, 1865.—On motion of Mr. FRANK, the joint resolution from the Senate appointing General Richard Delafield a Regent of the Smithsonian Institution, was taken up and passed.

March 2, 1865.—Mr. RICE, of Maine. I offer the following as as additional amendment to the bill:

And be it further enacted, That the Secretary of the Treasury be directed to pay the interest on the public debt due the Smithsonian Institution in the same funds as the interest on other permanent debts due by the United States prior to the present rebellion have been and are paid; and in case the interest heretofore paid to said institution has been paid in a different currency and of less value than that paid by the Government on other permanent debts or trust funds, that the Secretary be directed to make up the difference to said Smithsonian Institution.

Mr. STEVENS. Why not put in the word "gold" at once?

Mr. HOLMAN. I rise to a question of order. This is not an appropriation in accordance with law, but it is an attempt to appropriate a specific sum of money in gold instead of the ordinary currency of the country.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out of order.

Mr. COX. I appeal from the decision of the Chair, and I desire to be heard a moment in explanation. This is not an appropriation. It is only a direction to the Secretary of the Treasury to pay the interest on this special fund in gold, as it always has been paid, and as it ought to be paid now.

Mr. WASHBURNE, of Illinois. I rise to a question of order. Has not the debate been closed on this bill?

The CHAIRMAN. It has, and the Chair adheres to its decision.

Mr. COX. I wish the Chair could have had the facts of the case before him before he decided it. I respectfully appeal from the decision of the Chair.

The question was, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the decision of the Chair was sustained.

Mr. SPALDING. I move to insert the following as an additional section:

SEC. —. *And be it further enacted*, That there be appropriated for the purpose of making repairs upon the building of the Smithsonian Institution, lately injured by fire, the sum of $50,000.

Mr. WASHBURNE, of Illinois. I raise the point of order that this amendment proposes to change the existing law, and is therefore out of order.

The CHAIRMAN. The Chair sustains the point of order.

THIRTY-NINTH CONGRESS.

SENATE, *March* 22, 1866.

Mr. HOWE. The Joint Committee on the Library have instructed me to report a bill to provide for the transfer of the custody of the library of the Smithsonian Institution to the library of Congress.

Mr. SUMNER. I am very much interested in that question. I have paid some little attention to the subject in advance, and I should really like to see the bill in print. I do not wish to make any objection, but I think it had better lie over.

Mr. HOWE. Certainly, that is a very reasonable request. I cannot ask to have it considered.

The PRESIDENT *pro tempore*. It will lie over under the rule.

March 27, 1866.—The PRESIDENT *pro tempore*. If there be no further morning business, the Chair will call up the unfinished business of yesterday.

Mr. HOWE. Is that now regularly before the Senate.

The PRESIDENT *pro tempore*. It is not regularly before the Senate until one o'clock, but if there be no other business the Chair will call it up.

Mr. HOWE. Then I move that the Senate proceed to the consideration of Senate bill No. 216.

The motion was agreed to; and the bill (S. No. 216) to provide for the transfer of the custody of the library of the Smithsonian Institution to the library of Congress, was read a second time and considered as in Committee of the Whole. It provides that the library collected by the Smithsonian Institution, under the provisions of an act approved August 10, 1846, shall be removed from the building of that institution, with the consent of the regents, to the new fire-proof extension of the library of Congress, upon completion of a sufficient portion for its accommodation, and while there deposited, it is to be subject to the same regulations as the library of Congress, except as provided in this bill.

When the library shall have been so removed and deposited, the Smithsonian Institution is to have the use of it in like manner as it is now used, and the public is to have access thereto for purposes of consultation on every ordinary week-day, except during one month of each year, when it may be closed for renovation. All the books, maps and charts of the Smithsonian library are to be properly cared for and preserved in like manner as are those of the Congressional library, from which the Smithsonian library is not to be removed, except on reimbursement by the Smithsonian Institution to the Treasury of the United States of expenses incurred in binding and in taking care of it, or upon such terms and conditions as shall be mutually agreed upon by Congress and the regents.

The Smithsonian Institution, through its Secretary, is to have the use of the library of Congress, subject to the same regulations as Senators and Representatives. The Librarian of Congress is to be authorized to employ two additional assistants, who are to receive a yearly compensation of $800 and $1,000, respectively, commencing July 1, 1866; and the sum of $500, or so much thereof as may be necessary, is appropriated to defray the expenses of the removal provided for in the bill.

Mr. Howe. I move to amend the bill in section two, line six, by inserting the words "in the recess of Congress" after the word "year," so that it will read:

That when such library shall have been so removed and deposited, the Smithsonian Institution shall have the use thereof in like manner as it is now used, and the public shall have access thereto for purposes of consultation on every ordinary week-day, except during one month of each year in the recess of Congress, when it may be closed for renovation.

The amendment was agreed to.

Mr. Hendricks. I wish to ask the Senator from Wisconsin whether this bill contemplates the permanent transfer of these books to the Congressional library? These books belong to the Smithsonian trust fund, which I think ought not to be diverted.

Mr. Howe. The Senator will see, if he looks over the bill, that it does not transfer the title of the books. It is the custody of the books that is transferred to the Congressional library for safe-keeping, as well as for the better accommodation of the public.

Mr. Trumbull. I will state to the Senator from Indiana that this is a mutual arrangement entered into between the Regents of the Smithsonian Institution and the Committee on the Library, satisfactory to both parties. It is thought to

be safer to have them deposited there. There is danger of them at present, as the building in which they are is not fire-proof.

The bill was reported to the Senate as amended, and the amendment concurred in. The bill was ordered to be engrossed for a third reading; was read the third time, and passed.

May 7, 1866.—Annual report, for 1865, presented.

Mr. TRUMBULL moved the printing of 5,000 extra copies.

May 9, 1866.—Mr. ANTHONY, from the Committee on Printing, reported the following resolution, which was adopted:

Resolved, That 5,000 additional copies of the report of the Regents of the Smithsonian Institution, for the year 1865, be printed; 2,000 for the use of the Smithsonian Institution, and 3,000 for the use of the Senate: *Provided*, That the aggregate number of pages contained in said report shall not exceed 450 pages, without wood-cuts or plates, except those furnished by the institution.

February 1, 1867.—Mr. FESSENDEN. There is a little bill on the table (House, January 31, 1867,) which has come in from the House that I should like very much to take up and have passed if no Senator has any objection to it, because it is rather necessary that it should be passed at once, if at all. It relates to the funds of the Smithsonian Institution, and the regents of that institution are now in session in this city and would like probably to take some action under the bill. It is very short, and if there be no objection I should like to have it taken up and acted upon. I have examined it, and do not see any objection to it.

Mr. SHERMAN. I should like to inquire where the fund has been heretofore. Has it been in the Treasury?

Mr. FESSENDEN. No, sir; it has been in the hands of the Secretary. Under the bequest of Smithson there was a sum that was to come to the institution upon the death of a certain person, and that person died just about the time I happened to be in the Treasury, and therefore I know the facts. This bill simply provides that this money shall be paid into the Treasury, and disposed of precisely in accordance with the original act with regard to the disposal of Smithson's bequest.

Mr. SHERMAN. I have no objection to it at all.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

February 26, 1867.—Senate resolution to provide for the exchange of certain documents with foreign countries, was read a third time, and passed; as follows:

Resolved, &c., That fifty copies of all documents hereafter printed by order of either House of Congress, and fifty copies additional of all documents printed in excess of the usual number, together with fifty copies of each publication issued by any department or bureau of the Government, be placed at the disposal of the Joint Committee on the Library, who shall exchange the same, through the agency of the Smithsonian Institution, for such works published in foreign countries, and especially by foreign governments, as may be deemed by said committee an equivalent; said works to be deposited in the library of Congress.

February 26, 1867.—Annual report of the Smithsonian Institution, for 1866, was presented.

Mr. TRUMBULL moved that 5,000 extra copies be printed.

March 1, 1867.—Mr. ANTHONY, from the Committee on Printing, offered the following resolution; which was agreed to:

Resolved, That 5,000 additional copies of the report of the Smithsonian Institution, for the year 1866, be printed; 2,000 for the use of the Smithsonian Institution, and 3,000 for the use of the Senate; and that said report be stereotyped: *Provided*, That the aggregate number of pages contained in said report shall not exceed 450, without wood-cuts or plates, except those furnished by the institution.

HOUSE OF REPRESENTATIVES, *March* 9, 1866.

Mr. PATTERSON introduced a bill for the transfer of the Smithsonian library, which was referred to the Joint Committee on the Library.

April 2, 1866.—On motion of Mr. RUTHERFORD B. HAYES, by unanimous consent, Senate bill to provide for the transfer of the custody of the library of the Smithsonian Institution to the library of Congress, was taken from the Speaker's table, and read a first and second time.

Mr. HAYES. The Committee on the Library recommend the passage of the bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HAYES moved to reconsider the vote by which it was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

The bill is as follows:

Be it enacted, &c., That the library collected by the Smithsonian Institution under the provisions of an act approved August tenth, eighteen hundred and forty-six, shall be removed from the building of said institution, with the consent of the regents thereof, to the new fire-proof extension of the library of Congress, upon completion of a sufficient portion thereof for its accommodation, and shall, while there deposited, be subject to the same regulations as the library of Congress, except as hereinafter provided.

SEC. 2. *And be it further enacted*, That when such library shall have been so removed and deposited, the Smithsonian Institution shall have the use thereof in like manner as it is now used, and the public shall have access thereto for purposes of consultation on every ordinary week day except during one

month of each year, in the recess of Congress, when it may be closed for renovation. All the books, maps, and charts of the Smithsonian library shall be properly cared for and preserved in like manner as are those of the Congressional library, from which the Smithsonian library shall not be removed except on reimbursement by the Smithsonian Institution to the Treasury of the United States of expenses incurred in binding and in taking care of the same, or upon such terms and conditions as shall be mutually agreed upon by Congress and the regents of said institution.

SEC. 3. *And be it further enacted*, That the Smithsonian Institution, through its secretary, shall have the use of the library of Congress, subject to the same regulations as Senators and Representatives.

SEC. 4. *And be it further enacted*, That the librarian of Congress shall be authorized to employ two additional assistants, who shall receive a yearly compensation of eight hundred dollars, and one thousand dollars, respectively, commencing July one, eighteen hundred and sixty-six, to be paid out of any money in the Treasury not otherwise appropriated.

SEC. 5. *And be it further enacted*, That the sum of five hundred dollars, or so much thereof as may be necessary, shall be appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of the removal herein provided for.

May 7, 1866.—Annual report, for 1865, presented.

Mr. GARFIELD moved that 5,000 extra copies be printed.

June 8, 1866.—Mr. LAFLIN, from the Committee on Printing, submitted the following resolution; which was adopted:

Resolved, That 5,000 extra copies of the last report of the Smithsonian Institution be printed; 2,000 for the use of the institution, and 3,000 for the use of the members of this House.

February 1, 1867.—The following memorial was presented to Congress:

To the honorable the Senate and House of Representatives, &c.: The Board of Regents of the Smithsonian Institution have directed the undersigned to transmit to your honorable body the resolution herewith appended, and to solicit the passage of an act in accordance therewith.

It is known to your honorable body that the original sum received into the United States Treasury from the bequest of James Smithson, of England, was $515,169, which was considered a trust fund, the interest alone to be applied to carrying out the purpose of the testator, viz: "The increase and diffusion of knowledge among men."

This, however, was not the whole of the Smithsonian bequest, the sum of £5,015 sterling having been left by Hon. R. Rush, the agent of the United States, as the principal of an annuity to the mother of the nephew of Smithson.

The annuitant having died, the sum of $26,210.63 has been received from this source, and is now in charge of the Secretary of the Treasury of the United States; and no provision having been made in the act of August 10, 1846, establishing the institution, for the disposition of this remainder of the legacy, your memorialists, in behalf of the Board of Regents, now ask that it be added to the original bequest on the same terms; and that the increase which has arisen from interest or otherwise on the sum before mentioned, also in the hands of the Treasury Department of the United States, be transferred to the Board of Regents for assisting to defray the expense of the reconstruction of the building, and for other objects of the institution.

And your memorialists would further ask that the Board of Regents be allowed to place in the Treasury of the United States, on the same terms as the original bequest, such sums of money as may accrue from savings of

income and from other sources, provided the whole amount thus received into the Treasury shall not exceed one million dollars.

The sole object of this request is the permanent investment and perpetual security of the entire Smithsonian bequest and such other sums as may be accumulated from savings of accrued interest, legacies, &c.

And your memorialists will ever pray, &c.

S. P. CHASE,
Chancellor.

JOSEPH HENRY,
Secretary Smithsonian Institution.

Resolved, &c., That an application be made to Congress for an act authorizing the Treasurer of the United States to receive into the Treasury, on the same terms as the original bequest, the residuary legacy of James Smithson, now in United States bonds in the hands of said Treasurer, namely, $26,210.63, together with such other sums as the Regents may from time to time see fit to deposit, not exceeding, with the original bequest, the sum of $1,000,000; and that the income which has accrued or may accrue from said residuary legacy be applied in the same manner as the interest on the original bequest.

Mr. PATTERSON introduced the following bill; which was passed:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to receive into the Treasury, on the same terms as the original bequest, the residuary legacy of James Smithson, now in United States bonds, in the hands of said Secretary, namely: twenty-six thousand two hundred and ten dollars and sixty-three cents, together with such other sums as the regents may from time to time see fit to deposit, not exceeding, with the original bequest, the sum of one million dollars.

SEC. 2. *And be it further enacted,* That the increase which has accrued, or which may hereafter accrue, from said residuary legacy, shall be applied by the Board of Regents of the Smithsonian Institution in the same manner as the interest on the original bequest, in accordance with the provisions of the act of August tenth, eighteen hundred and forty-six, establishing said institution.

February 23, 1867.—The clerk read as follows:

For the preservation of the collections of the exploring and surveying expeditions of the Government, $4,000.

Mr. PATTERSON. I move to amend the paragraph just read by omitting the word "four" and inserting in lieu thereof "ten," so as to increase the appropriation to $10,000.

The amendment was agreed to.

February 27, 1867.—Annual report for 1866, presented.

Mr. GARFIELD moved that 5,000 extra copies be printed.

February 28, 1867.—Mr. LAFLIN, from the Committee on Printing, offered the following resolution, which was adopted:

Resolved, That 5,000 additional copies of the last report of the Smithsonian Institution be printed; 2,000 for the use of the Smithsonian Institution, and 3,000 for the use of the members of this House; and that the same be stereotyped.

March 2, 1867.—The House rejected the joint resolution f the Senate, providing for the exchange of public docu- ients. Subsequently, on motion of Mr. Laflin, the House econsidered its action, and passed the resolution.

March 7, 1867.—The Speaker appointed Mr. Luke P. 'oland, of Vermont, a Regent of the Smithsonian Institu- on, to fill the vacancy occasioned by the election of Mr. . W. Patterson to the United States Senate.

FORTIETH CONGRESS.

SENATE, *January* 6, 1868.

Mr. TRUMBULL offered the following resolution:

Resolved &c., That the vacancies in the Board of Regents of the Smith- nian Institution of the class "other than members of Congress" be filled 7 the appointment of Theodore D. Woolsey of Connecticut, William B. stor of New York, John Maclean of New Jersey, and Peter Parker of e city of Washington.

January 7, 1868.—The above resolution was adopted.

May 2, 1868.—The PRESIDENT *pro tempore* laid before the enate a communication from the Board of Regents of the mithsonian Institution, which was referred to the Commit- e on Appropriations, and ordered to be printed. (See Iouse, May 1, 1868.)

May 29, 1868.—Annual report, for 1867, was presented. Mr. TRUMBULL moved to print 5,000 extra copies.

May 30, 1868.—Mr. ANTHONY, from the Committee on 'rinting, reported the following resolution, which was dopted:

Resolved, That 5,000 additional copies of the report of the Smithsonian nstitution, for the year 1867, be printed; 3,000 for the use of the Senate, and 000 for the use of the Smithsonian Institution, and that the said report e stereotyped: *Provided*, That the aggregate number of pages of said report iall not exceed 450, without illustrations, except those furnished by the mithsonian Institution.

June 16, 1868.—Mr. HARLAN presented a report of the xecutive Committee of the Regents of the Smithsonian nstitution, on the influences of the Washington city canal n the health of the population of the city; which was re- erred to the Committee on the District of Columbia, and rdered to be printed.

(See Smithsonian Report, for 1868, page 111, and Senate Mis. Doc. No. 5, 40th Congress, 2d Sess.)

January 22, 1869.—Mr. WILSON offered the following resolution; which was adopted:

Resolved, &c., That Louis Agassiz, of Cambridge, Massachusetts, be, and he is hereby, reappointed a Regent of the Smithsonian Institution to fill the vacancy occasioned by the expiration of his present term.

February 13, 1869.—Annual report for 1868, presented, and ordered to be printed.

Mr. FESSENDEN offered a resolution to have additional copies printed.

March 1, 1869.—Mr. ANTHONY, from the Committee on Printing, reported the following resolution; which was adopted:

Resolved, That 5,000 copies of the report of the Smithsonian Institution, for the year 1868, be printed; 3,000 for the use of the Senate, and 2,000 for the use of the institution; and that said report be stereotyped: *Provided*, That the aggregate number of pages of said report shall not exceed 450, without illustrations, except those furnished by the institution.

HOUSE OF REPRESENTATIVES, *January* 7, 1868.

The SPEAKER announced the appointment, as Regents of the Smithsonian Institution, of Mr. Jas. A. Garfield of Ohio, Mr. L. P. Poland of Vermont, and Mr. J. V. L. Pruyn, of New York.

On motion of Mr. GARFIELD the Senate resolution of January 7th, to appoint Messrs. Woolsey, Astor, McLean and Parker, as regents, was adopted.

February 27, 1868.—The civil appropriation bill being under consideration, the clerk read:

Smithsonian Institution: "For the preservation of the collections of the exploring and surveying expeditions of the Government, $1,000."

Mr. POLAND. I move to amend the paragraph just read by striking out "$1,000" and inserting "$6,000." I apprehend that the Committee on Appropriations had not, probably, looked into the history of this annual appropriation to the Smithsonian Institution for taking care of these collections of the Government when they concluded to report this sum. These collections were kept in the Patent Office building up to 1857, and were then much smaller than they are now. An annual appropriation of $4,000 for the purpose of taking care of these collections was made from 1842 to 1857. In 1857 the room occupied for that purpose in the Patent Office building was needed for other purposes, for models, &c., and these collections were then removed to the Smithsonian building, where they have since been kept. An annual appropriation of $4,000 for their preservation was made from 1857 to last year, when the sum was in-

SEC. —. *And be it further enacted*, That there be appropriated foı purpose of making repairs upon the building of the Smithsonian In tion, lately injured by fire, the sum of $50,000.

Mr. WASHBURNE, of Illinois. I raise the point of o that this amendment proposes to change the existing and is therefore out of order.

The CHAIRMAN. The Chair sustains the point of ord

THIRTY-NINTH CONGRESS.

SENATE, *March* 22, 1866.

Mr. HOWE. The Joint Committee on the Library h instructed me to report a bill to provide for the transfe the custody of the library of the Smithsonian Institutioı the library of Congress.

Mr. SUMNER. I am very much interested in that quest I have paid some little attention to the subject in adva and I should really like to see the bill in print. I do wish to make any objection, but I think it had bette over.

Mr. HOWE. Certainly, that is a very reasonable requ I cannot ask to have it considered.

The PRESIDENT *pro tempore*. It will lie over under rule.

March 27, 1866.—The PRESIDENT *pro tempore*. If ther no further morning business, the Chair will call up the finished business of yesterday.

Mr. HOWE. Is that now regularly before the Senate.

The PRESIDENT *pro tempore*. It is not regularly before Senate until one o'clock, but if there be no other busiı the Chair will call it up.

Mr. HOWE. Then I move that the Senate proceed to consideration of Senate bill No. 216.

The motion was agreed to; and the bill (S. No. 216 provide for the transfer of the custody of the library of Smithsonian Institution to the library of Congress, was r a second time and considered as in Committee of the Wh It provides that the library collected by the Smithsonian stitution, under the provisions of an act approved Aug 10, 1846, shall be removed from the building of that in tution, with the consent of the regents, to the new fire-pr extension of the library of Congress, upon completion c sufficient portion for its accommodation, and while th deposited, it is to be subject to the same regulations as, library of Congress, except as provided in this bill.

When the library shall have been so removed and deposited, the Smithsonian Institution is to have the use of it in like manner as it is now used, and the public is to have access thereto for purposes of consultation on every ordinary week-day, except during one month of each year, when it may be closed for renovation. All the books, maps and charts of the Smithsonian library are to be properly cared for and preserved in like manner as are those of the Congressional library, from which the Smithsonian library is not to be removed, except on reimbursement by the Smithsonian Institution to the Treasury of the United States of expenses incurred in binding and in taking care of it, or upon such terms and conditions as shall be mutually agreed upon by Congress and the regents.

The Smithsonian Institution, through its Secretary, is to have the use of the library of Congress, subject to the same regulations as Senators and Representatives. The Librarian of Congress is to be authorized to employ two additional assistants, who are to receive a yearly compensation of $800 and $1,000, respectively, commencing July 1, 1866; and the sum of $500, or so much thereof as may be necessary, is appropriated to defray the expenses of the removal provided for in the bill.

Mr. HOWE. I move to amend the bill in section two, line six, by inserting the words "in the recess of Congress" after the word "year," so that it will read:

That when such library shall have been so removed and deposited, the Smithsonian Institution shall have the use thereof in like manner as it is now used, and the public shall have access thereto for purposes of consultation on every ordinary week-day, except during one month of each year in the recess of Congress, when it may be closed for renovation.

The amendment was agreed to.

Mr. HENDRICKS. I wish to ask the Senator from Wisconsin whether this bill contemplates the permanent transfer of these books to the Congressional library? These books belong to the Smithsonian trust fund, which I think ought not to be diverted.

Mr. HOWE. The Senator will see, if he looks over the bill, that it does not transfer the title of the books. It is the custody of the books that is transferred to the Congressional library for safe-keeping, as well as for the better accommodation of the public.

Mr. TRUMBULL. I will state to the Senator from Indiana that this is a mutual arrangement entered into between the Regents of the Smithsonian Institution and the Committee on the Library, satisfactory to both parties. It is thought to

be safer to have them deposited there. There is danger of them at present, as the building in which they are is not fire-proof.

The bill was reported to the Senate as amended, and the amendment concurred in. The bill was ordered to be engrossed for a third reading; was read the third time, and passed.

May 7, 1866.—Annual report, for 1865, presented.

Mr. TRUMBULL moved the printing of 5,000 extra copies.

May 9, 1866.—Mr. ANTHONY, from the Committee on Printing, reported the following resolution, which was adopted:

Resolved, That 5,000 additional copies of the report of the Regents of the Smithsonian Institution, for the year 1865, be printed; 2,000 for the use of the Smithsonian Institution, and 3,000 for the use of the Senate: *Provided*, That the aggregate number of pages contained in said report shall not exceed 450 pages, without wood-cuts or plates, except those furnished by the institution.

February 1, 1867.—Mr. FESSENDEN. There is a little bill on the table (House, January 31, 1867,) which has come in from the House that I should like very much to take up and have passed if no Senator has any objection to it, because it is rather necessary that it should be passed at once, if at all. It relates to the funds of the Smithsonian Institution, and the regents of that institution are now in session in this city and would like probably to take some action under the bill. It is very short, and if there be no objection I should like to have it taken up and acted upon. I have examined it, and do not see any objection to it.

Mr. SHERMAN. I should like to inquire where the fund has been heretofore. Has it been in the Treasury?

Mr. FESSENDEN. No, sir; it has been in the hands of the Secretary. Under the bequest of Smithson there was a sum that was to come to the institution upon the death of a certain person, and that person died just about the time I happened to be in the Treasury, and therefore I know the facts. This bill simply provides that this money shall be paid into the Treasury, and disposed of precisely in accordance with the original act with regard to the disposal of Smithson's bequest.

Mr. SHERMAN. I have no objection to it at all.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

February 26, 1867.—Senate resolution to provide for the exchange of certain documents with foreign countries, was read a third time, and passed; as follows:

Resolved, &c., That fifty copies of all documents hereafter printed by order of either House of Congress, and fifty copies additional of all documents printed in excess of the usual number, together with fifty copies of each publication issued by any department or bureau of the Government, be placed at the disposal of the Joint Committee on the Library, who shall exchange the same, through the agency of the Smithsonian Institution, for such works published in foreign countries, and especially by foreign governments, as may be deemed by said committee an equivalent; said works to be deposited in the library of Congress.

February 26, 1867.—Annual report of the Smithsonian Institution, for 1866, was presented.

Mr. TRUMBULL moved that 5,000 extra copies be printed.

March 1, 1867.—Mr. ANTHONY, from the Committee on Printing, offered the following resolution; which was agreed to:

Resolved, That 5,000 additional copies of the report of the Smithsonian Institution, for the year 1866, be printed; 2,000 for the use of the Smithsonian Institution, and 3,000 for the use of the Senate; and that said report be stereotyped: *Provided*, That the aggregate number of pages contained in said report shall not exceed 450, without wood-cuts or plates, except those furnished by the institution.

HOUSE OF REPRESENTATIVES, *March* 9, 1866.

Mr. PATTERSON introduced a bill for the transfer of the Smithsonian library, which was referred to the Joint Committee on the Library.

April 2, 1866.—On motion of Mr. RUTHERFORD B. HAYES, by unanimous consent, Senate bill to provide for the transfer of the custody of the library of the Smithsonian Institution to the library of Congress, was taken from the Speaker's table, and read a first and second time.

Mr. HAYES. The Committee on the Library recommend the passage of the bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HAYES moved to reconsider the vote by which it was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

The bill is as follows:

Be it enacted, &c., That the library collected by the Smithsonian Institution under the provisions of an act approved August tenth, eighteen hundred and forty-six, shall be removed from the building of said institution, with the consent of the regents thereof, to the new fire-proof extension of the library of Congress, upon completion of a sufficient portion thereof for its accommodation, and shall, while there deposited, be subject to the same regulations as the library of Congress, except as hereinafter provided.

SEC. 2. *And be it further enacted*, That when such library shall have been so removed and deposited, the Smithsonian Institution shall have the use thereof in like manner as it is now used, and the public shall have access thereto for purposes of consultation on every ordinary week day except during one

month of each year, in the recess of Congress, when it may be closed for renovation. All the books, maps, and charts of the Smithsonian library shall be properly cared for and preserved in like manner as are those of the Congressional library, from which the Smithsonian library shall not be removed except on reimbursement by the Smithsonian Institution to the Treasury of the United States of expenses incurred in binding and in taking care of the same, or upon such terms and conditions as shall be mutually agreed upon by Congress and the regents of said institution.

SEC. 3. *And be it further enacted*, That the Smithsonian Institution, through its secretary, shall have the use of the library of Congress, subject to the same regulations as Senators and Representatives.

SEC. 4. *And be it further enacted*, That the librarian of Congress shall be authorized to employ two additional assistants, who shall receive a yearly compensation of eight hundred dollars, and one thousand dollars, respectively, commencing July one, eighteen hundred and sixty-six, to be paid out of any money in the Treasury not otherwise appropriated.

SEC. 5. *And be it further enacted*, That the sum of five hundred dollars, or so much thereof as may be necessary, shall be appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of the removal herein provided for.

May 7, 1866.—Annual report, for 1865, presented.

Mr. GARFIELD moved that 5,000 extra copies be printed.

June 8, 1866.—Mr. LAFLIN, from the Committee on Printing, submitted the following resolution; which was adopted:

Resolved, That 5,000 extra copies of the last report of the Smithsonian Institution be printed; 2,000 for the use of the institution, and 3,000 for the use of the members of this House.

February 1, 1867.—The following memorial was presented to Congress:

To the honorable the Senate and House of Representatives, &c.: The Board of Regents of the Smithsonian Institution have directed the undersigned to transmit to your honorable body the resolution herewith appended, and to solicit the passage of an act in accordance therewith.

It is known to your honorable body that the original sum received into the United States Treasury from the bequest of James Smithson, of England, was $515,169, which was considered a trust fund, the interest alone to be applied to carrying out the purpose of the testator, viz: "The increase and diffusion of knowledge among men."

This, however, was not the whole of the Smithsonian bequest, the sum of £5,015 sterling having been left by Hon. R. Rush, the agent of the United States, as the principal of an annuity to the mother of the nephew of Smithson.

The annuitant having died, the sum of $26,210.63 has been received from this source, and is now in charge of the Secretary of the Treasury of the United States; and no provision having been made in the act of August 10, 1846, establishing the institution, for the disposition of this remainder of the legacy, your memorialists, in behalf of the Board of Regents, now ask that it be added to the original bequest on the same terms; and that the increase which has arisen from interest or otherwise on the sum before mentioned, also in the hands of the Treasury Department of the United States, be transferred to the Board of Regents for assisting to defray the expense of the reconstruction of the building, and for other objects of the institution.

And your memorialists would further ask that the Board of Regents be allowed to place in the Treasury of the United States, on the same terms as the original bequest, such sums of money as may accrue from savings of

income and from other sources, provided the whole amount thus received into the Treasury shall not exceed one million dollars.

The sole object of this request is the permanent investment and perpetual security of the entire Smithsonian bequest and such other sums as may be accumulated from savings of accrued interest, legacies, &c.

And your memorialists will ever pray, &c.

S. P. CHASE,
Chancellor.

JOSEPH HENRY,
Secretary Smithsonian Institution.

Resolved, &c., That an application be made to Congress for an act authorizing the Treasurer of the United States to receive into the Treasury, on the same terms as the original bequest, the residuary legacy of James Smithson, now in United States bonds in the hands of said Treasurer, namely, $26,210.63, together with such other sums as the Regents may from time to time see fit to deposit, not exceeding, with the original bequest, the sum of $1,000,000; and that the income which has accrued or may accrue from said residuary legacy be applied in the same manner as the interest on the original bequest.

Mr. PATTERSON introduced the following bill; which was passed:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to receive into the Treasury, on the same terms as the original bequest, the residuary legacy of James Smithson, now in United States bonds, in the hands of said Secretary, namely: twenty-six thousand two hundred and ten dollars and sixty-three cents, together with such other sums as the regents may from time to time see fit to deposit, not exceeding, with the original bequest, the sum of one million dollars.

SEC. 2. *And be it further enacted*, That the increase which has accrued, or which may hereafter accrue, from said residuary legacy, shall be applied by the Board of Regents of the Smithsonian Institution in the same manner as the interest on the original bequest, in accordance with the provisions of the act of August tenth, eighteen hundred and forty-six, establishing said institution.

February 23, 1867.—The clerk read as follows:

For the preservation of the collections of the exploring and surveying expeditions of the Government, $4,000.

Mr. PATTERSON. I move to amend the paragraph just read by omitting the word "four" and inserting in lieu thereof "ten," so as to increase the appropriation to $10,000.

The amendment was agreed to.

February 27, 1867.—Annual report for 1866, presented.

Mr. GARFIELD moved that 5,000 extra copies be printed.

February 28, 1867.—Mr. LAFLIN, from the Committee on Printing, offered the following resolution, which was adopted:

Resolved, That 5,000 additional copies of the last report of the Smithsonian Institution be printed; 2,000 for the use of the Smithsonian Institution, and 3,000 for the use of the members of this House; and that the same be stereotyped.

March 2, 1867.—The House rejected the joint resolution of the Senate, providing for the exchange of public documents. Subsequently, on motion of Mr. Laflin, the House reconsidered its action, and passed the resolution.

March 7, 1867.—The Speaker appointed Mr. Luke P. Poland, of Vermont, a Regent of the Smithsonian Institution, to fill the vacancy occasioned by the election of Mr. J. W. Patterson to the United States Senate.

FORTIETH CONGRESS.

SENATE, *January* 6, 1868.

Mr. TRUMBULL offered the following resolution:

Resolved &c., That the vacancies in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress" be filled by the appointment of Theodore D. Woolsey of Connecticut, William B. Astor of New York, John Maclean of New Jersey, and Peter Parker of the city of Washington.

January 7, 1868.—The above resolution was adopted.

May 2, 1868.—The PRESIDENT *pro tempore* laid before the Senate a communication from the Board of Regents of the Smithsonian Institution, which was referred to the Committee on Appropriations, and ordered to be printed. (See House, May 1, 1868.)

May 29, 1868.—Annual report, for 1867, was presented. Mr. TRUMBULL moved to print 5,000 extra copies.

May 30, 1868.—Mr. ANTHONY, from the Committee on Printing, reported the following resolution, which was adopted:

Resolved, That 5,000 additional copies of the report of the Smithsonian Institution, for the year 1867, be printed; 3,000 for the use of the Senate, and 2,000 for the use of the Smithsonian Institution, and that the said report be stereotyped: *Provided*, That the aggregate number of pages of said report shall not exceed 450, without illustrations, except those furnished by the Smithsonian Institution.

June 16, 1868.—Mr. HARLAN presented a report of the Executive Committee of the Regents of the Smithsonian Institution, on the influences of the Washington city canal on the health of the population of the city; which was referred to the Committee on the District of Columbia, and ordered to be printed.

(See Smithsonian Report, for 1868, page 111, and Senate Mis. Doc. No. 95, 40th Congress, 2d Sess.)

January 22, 1869.—Mr. WILSON offered the following resolution; which was adopted:

Resolved, &c., That Louis Agassiz, of Cambridge, Massachusetts, be, and he is hereby, reappointed a Regent of the Smithsonian Institution to fill the vacancy occasioned by the expiration of his present term.

February 13, 1869.—Annual report for 1868, presented, and ordered to be printed.

Mr. FESSENDEN offered a resolution to have additional copies printed.

March 1, 1869.—Mr. ANTHONY, from the Committee on Printing, reported the following resolution; which was adopted:

Resolved, That 5,000 copies of the report of the Smithsonian Institution, for the year 1868, be printed; 3,000 for the use of the Senate, and 2,000 for the use of the institution; and that said report be stereotyped: *Provided*, That the aggregate number of pages of said report shall not exceed 450, without illustrations, except those furnished by the institution.

HOUSE OF REPRESENTATIVES, *January* 7, 1868.

The SPEAKER announced the appointment, as Regents of the Smithsonian Institution, of Mr. Jas. A. Garfield of Ohio, Mr. L. P. Poland of Vermont, and Mr. J. V. L. Pruyn, of New York.

On motion of Mr. GARFIELD the Senate resolution of January 7th, to appoint Messrs. Woolsey, Astor, McLean and Parker, as regents, was adopted.

February 27, 1868.—The civil appropriation bill being under consideration, the clerk read:

Smithsonian Institution: "For the preservation of the collections of the exploring and surveying expeditions of the Government, $1,000."

Mr. POLAND. I move to amend the paragraph just read by striking out "$1,000" and inserting "$6,000." I apprehend that the Committee on Appropriations had not, probably, looked into the history of this annual appropriation to the Smithsonian Institution for taking care of these collections of the Government when they concluded to report this sum. These collections were kept in the Patent Office building up to 1857, and were then much smaller than they are now. An annual appropriation of $4,000 for the purpose of taking care of these collections was made from 1842 to 1857. In 1857 the room occupied for that purpose in the Patent Office building was needed for other purposes, for models, &c., and these collections were then removed to the Smithsonian building, where they have since been kept. An annual appropriation of $4,000 for their preservation was made from 1857 to last year, when the sum was in-

creased to $10,000. These collections have been very largely increased; they have been doubled; in fact, they have been quadrupled, since they were removed to the Smithsonian building, and the expense of taking care of them has been very largely increased in consequence of the general increase of the prices of labor, fuel, and everything that goes to make up that expense. Even if the amount of labor had not been increased in consequence of the increase of the collections, the appropriation, which from 1842 to 1866 was $4,000, ought to be increased to at least $6,000.

The fund of the Smithsonian Institution, whatever it may be, is a fixed sum, and in consequence of the great increase in the prices of everything, it is not now worth more than half as much to the institution as it was formerly. A very large portion of the income from the fund for the institution for the last two years has had to be expended in refitting and repairing the building, rendered necessary by the destructive and ruinous fire that occurred there in 1865. It seems to me there can be no question but what the appropriation for this purpose should be at least $6,000.

Mr. UPSON. Who has the disbursing of this money, and what account is ever rendered to anyone of the manner in which it was expended?

Mr. POLAND. It is disbursed under the care of Professor Henry, one of the most prudent men in the country, and it is all reviewed by the Board of Regents.

Mr. WASHBURNE, of Illinois. The Committee on Appropriations thought that $1,000 a year was about as much as the people of this country desire to pay to preserve the collections of the exploring and surveying expeditions of the Government. The amount appropriated heretofore has been much larger, as the gentleman from Vermont [Mr. Poland] has said. I had a conversation this morning with Professor Henry, who stated to me how this appropriation was to be used. From what he told me, I am willing to admit that there should be appropriated a much larger sum than the committee have reported in this bill, though not so much as $6,000, as the gentleman from Vermont has proposed. The Professor himself expressed himself satisfied with $4,000, the usual annual appropriation for this purpose.

Mr. POLAND. It may be true that Professor Henry did not desire to have the friends of the Smithsonian Institution to get into a controversy with the gentleman from Illinois, [Mr. Washburne,] for he knew too well how much was involved in that; and, "to buy his peace," as lawyers say, he agreed to take $4,000 instead of asking for $6,000.

He tells me, and I havé no doubt tells the gentleman, that $6,000 is needed, and that he ought to have it.

Mr. WASHBURNE, of Illinois. I understood that he would be entirely satisfied with $4,000. And I will say that, instead of losing anything by any controversy with me, he would certainly obtain an additional amount here by getting into any such controversy. Will the gentleman from Vermont [Mr. Poland] consent to modify the amendment by making the amount $4,000?

Mr. POLAND. No, sir.

Mr. PRUYN. Mr. Chairman, I move *pro forma* to amend the amendment by making the amount $7,500. I am prepared to corroborate in all substantial particulars the statement made by the gentleman from Vermont, [Mr. Poland.] It is quite impossible that these collections can be taken care of for a less sum than five or six thousand dollars. They occupy the large hall of the Smithsonian Institution, the best part of the whole building. The rent of such a room anywhere else in this city would cost as much as the appropriation asked for. If the gentleman from Illinois will agree to an appropriation of $5,000, I will modify my amendment so as to name that sum.

Mr. WASHBURNE, of Illinois. No, sir; $4,000 is the usual appropriation, and I see no reason why, in the present condition of our finances, we should increase it.

Mr. PRUYN. I withdraw my amendment; but I hope the committee will agree to vote at least $6,000 for this purpose.

Mr. SELYE. Mr. Chairman, I rise to oppose the amendment. I would like to know of what this institution consists. I would like the gentleman from New York [Mr. Pruyn] or the gentleman from Vermont [Mr. Poland] to tell us how many of his constituents ever saw this institution, or ever will see it, or ever want to see it? It is enough to make any man or woman sick to visit that institution. No one can expect to get any benefit from it. I am opposed, sir, to taxing my constituents $7,000 a year to keep up any such institution.

Mr. POLAND. In accordance with what seems to be the wish of gentlemen around me, I modify my amendment so as to make the amount $5,000.

On the amendment of Mr. Poland, as modified, there were—ayes 50, noes 53.

Mr. POLAND called for tellers.

Tellers were ordered; and Messrs. Spalding and Selye were appointed.

The committee divided; and the tellers reported—ayes 40, noes 55.

So the amendment was not agreed to.

Mr. TWICHELL. I move to amend by striking out "one" and inserting "four;" so as to make the paragraph read:

For the preservation of the collections of the exploring and surveying expeditions of the Government, $4,000.

The amendment was agreed to.

May 1, 1868.—The SPEAKER laid before the House the following communication from the Board of Regents of the Smithsonian Institution; which, on motion of Mr. Garfield, was referred to the Committee on Appropriations, and ordered to be printed:

To the honorable the Senate and House of Representatives, &c.: In behalf of the Board of Regents of the Smithsonian Institution, the undersigned beg leave respectfully to submit to your honorable body the following statement, and to solicit such action in regard to it as may be deemed just and proper:

The act of Congress organizing the institution ordered the erection of a building which should accommodate, on a liberal scale, besides a library and a gallery of art, a museum, consisting of all the specimens of natural history, geology, and art, which then belonged to the Government, or which might thereafter come into its possession by exchange or otherwise. Although the majority of the Regents did not consider the maintenance of these objects to be in accordance with the intention of Smithson, as inferred from a strict interpretation of the terms of his will, yet in obedience to the commands of Congress they proceeded to erect a building of the necessary dimensions, and to take charge of the Government collections.

The erection and maintenance of so large and expensive an edifice, involving an outlay of $450,000, and the charge of the Government museum, have proved a grievous burden on the institution, increasing from year to year, which, had not its effects been counteracted by a judicious management of the funds, would have paralyzed the legitimate operations of the establishment, and frustrated the evident intention of Smithson.

It is true that Congress, at the time the specimens were transferred to the institution, granted an appropriation of $4,000 for their care and preservation, that being the equivalent of the estimated cost of the maintenance of these collections in the Patent Office, where they had previously been exhibited. But this sum, from the rise in prices and the expansion of the museum by the specimens obtained from about fifty exploring expeditions ordered by Congress, scarcely more than defrays, at the present time, one-third of the annual expense. In this estimate no account is taken of the rent of the part of the building devoted to the museum of the Government, which, at a moderate estimate, would be $20,000 per annum.

Besides the large expenditure which has already been made on the building, at least $50,000 more will be required to finish the large hall in the second story, necessary for the full display of the specimens of the Government. But the Regents do not think it judicious further to embarrass the active operations for several years to come, by devoting a large part of the income to this object, and have, therefore, concluded to allow this room to remain unfinished until other means are provided for completing it.

It is not by its castellated building nor the exhibition of the museum of the Government that the institution has achieved its present reputation, nor by the collection and display of material objects of any kind that it has vindicated the intelligence and good faith of the Government in the admin-

istration of the trust; it is by its explorations, its researches, its publications, its distribution of specimens and its exchanges, constituting it an active, living organization, that it has rendered itself favorably known in every part of the civilized world, has made contributions to almost every branch of science, and brought more than ever before into immediate and friendly relations the Old and the New Worlds.

A central museum for a complete representation of the products of America, with such foreign specimens as may be required for comparison and generalization, is of great importance, particularly as a means of developing and illustrating our industrial resources, as well as of facilitating the study of the relations of our geology, mineralogy, flora and fauna, to those of the Old World. But the benefit of such an establishment is principally confined to this country, and does not partake of the cosmopolitan character of an institution such as Smithson intended to found, and therefore ought not to be supported from his bequest.

The Board of Regents are confident that upon a full consideration of the case, your honorable body will grant an adequate support for the collections of the Government, and also an appropriation for finishing the repairs of the building, and eventually, when the financial condition of the country will permit, for the independent maintenance of a national museum.

It may not be improper, in addition to what has been said, to recall the fact that the Smithsonian Institution has transferred, without cost, to the library of Congress, one of the most valuable and complete collections of the transactions of scientific and learned societies and serial publications in existence, consisting of at least 50,000 works, which, with the annual continuations of the same series, must render Washington a centre of scientific knowledge, and the library itself worthy of the nation; and that it has also presented to the Government its valuable collection of specimens of art, illustrating the history of engraving from the earliest periods. It is prepared to render a similar service to a national museum, by the exchanges from foreign museums to which it has been a liberal contributor, and which may be obtained as soon as means are provided for their transportation and accommodation.

It may also be mentioned that the institution has rendered important service to the Government through the scientific investigations it has made in connection with the operations of the different departments, and it is not too much to say that, through the labors of its officers, it has been the means of saving millions of dollars to the national Treasury.

In conclusion, your memorialists beg leave to represent, on behalf of the Board of Regents, that the usual annual appropriation of $4,000 is wholly inadequate to the cost of preparing, preserving, and exhibiting the specimens, the actual expenditure for that purpose in 1867 having been over $12,000; and they take the liberty of respectfully urging on your honorable body the expediency of increasing it to $10,000, and that a further sum of $25,000 be appropriated at this session of Congress towards the completion of the hall required for the Government collections.

And your memorialists will ever pray, &c.

S. P. CHASE,
Chancellor Smithsonian Institution.
JOSEPH HENRY,
Secretary Smithsonian Institution.

May 29, 1868.—Annual report, for 1867, presented.
Mr. GARFIELD moved to print 5,000 extra copies.

June 5, 1868.—Mr. LAFLIN, from Committee on Printing, reported the following resolution, which was adopted:

Resolved, That there be printed 5,000 extra copies of the report of the Smithsonian Institution; 3,000 for the use of the House, and 2,000 for the

institution; the same to be stereotyped, at the expense heretofore provided for.

July 25, 1868.—The following resolution was passed:

Resolved, &c., That the Congressional Printer, whenever he shall be so directed by the Joint Committee on the Library, be, and he hereby is, directed to print fifty copies, in addition to the regular number, of all documents hereafter printed by order of either House of Congress, or by order of any department or bureau of the Government, and whenever he shall be so directed by the Joint Committee on the Library, one hundred copies additional of all documents ordered to be printed in excess of the usual number; said fifty or one hundred copies to be delivered to the Librarian of Congress, to be exchanged, under direction of the Joint Committee on the Library, as provided by joint resolution approved March 2, 1867.

SEC. 2. *And be it further resolved*, That fifty copies of each publication printed under direction of any department or bureau of the Government, whether at the Congressional Printing Office or elsewhere, shall be placed at the disposal of the Joint Committee on the Library, to carry out the provisions of said resolution.

February 13, 1869.—Annual report of Smithsonian Institution, for 1868, presented, and ordered to be printed.

Mr. PRUYN offered a resolution to have 5,000 extra copies printed.

Mr. INGERSOLL moved to increase the number of extra copies to 10,000, on account of the value of the document.

February 27, 1869.—Mr. LAFLIN, from the Committee on Printing, reported the following resolution, which was adopted:

Resolved, That there be printed 5,000 extra copies of the report of the Smithsonian Institution; 3,000 for the use of the House, and 2,000 for the use of the institution; the same to be stereotyped, at the expense heretofore provided for.

March 1, 1869.—The House having nnder consideration the miscellaneous appropriation bill, the clerk read the following amendment:

For the preservation of the collections of the exploring and surveying expeditions of the Government, $4,000.

Mr. GARFIELD. I move to amend this paragraph by striking out "$4,000" and inserting "$10,000." And I wish briefly to call the attention of the Committee of the Whole to the facts upon which I base my motion.

In 1846, when the Smithsonian Institution was founded, the Government of the United States, by a law of Congress, transferred to that institution all the articles now belonging to the museum which the Government then owned. At that time it was costing $4,000 a year to take care of and preserve those articles. Since then a great number of exploring expeditions have been sent out by the Government, and large additions have been made to the museum; and

the actual cost of taking care of and keeping the articles which the Government now owns amounts to more than $10,000 a year. Having imposed this duty upon the Smithsonian Institution, it is wrong for the Government to ask that institution to pay $6,000 out of its own fund—donated by a foreigner to the cause of science in this country—for the care, preservation, and custody of Government property, to say nothing of the use of the building for that purpose.

Mr. MAYNARD. What are the items of the expenditure for that purpose? It certainly is not all for personal supervision.

Mr. GARFIELD. Only so far as the Board of Regents have to employ persons to take care of and watch that these things are properly guarded. I have here a memorial of the Board of Regents, of which I am a member. It is signed by the Chancellor of the Institution, Chief Justice Chase, and by the Secretary of the Institution, Professor Henry. Accompanying that is a detailed statement of the expenses of the National Museum for the year 1868. I ask the attention of members to these papers.

[See proceedings of May 1, 1868.]

The following is a statement of the expense of the National Museum, for the year 1868:

Item	Amount
Glass for cases	$154 33
Carbolic acid, insect powder, and arsenic	72 85
Glass bottles and jars	96 68
Trays	180 01
Wrapping paper	63 90
Benzine, paint, oil, varnish, putty, brushes	201 87
Saucers for nests and eggs	22 30
Stationery, index-books, and blanks	123 57
Labels for specimens	208 04
Locks, keys, handles, funnels. measures, tools, cans, &c.	185 05
Paper and poison for plants	347 20
Numbers and labels for minerals	94 41
Examination, cleaning, assorting, and labeling shells	1,168 95
Books for proper labeling specimens	430 47
Tow for stuffing large animals (bears)	24 90
Artificial eyes for birds, &c.	35 95
Packing boxes	50 40
Alcohol	400 00
Mounting birds, beaver, &c,	195 50
Freight on collections	1,200 00
Walnut cases for specimens	1,100 00
Heating room for collections	500 00
Assistants, one at $2,500, one at $600, one at $500, and one at $300	3,900 00
Laborers, and watchmen, one at $840, one at $660, one at $600, one at $312, and one at $312	2,724 00
	$13,480 38

In addition to the foregoing, $125,000 have been expended since the fire in 1865 on that part of the building required for the accommodation of the museum, the interest on which, at six per cent., would be $7,500 annually.

The bequest to found this institution was from a foreigner who never visited the United States. He bequeathed his fortune with unreserved confidence to our Government for the advancement of science, to which he had devoted his own life. The sacredness of the trust is enhanced from the fact that it was accepted after the death of him by whom it was confided. The only indications of his intentions which we possess are expressed in the terms of his will. It therefore became of the first importance that the import of these terms should be critically analyzed and the logical inference from them faithfully observed. The whole is contained in these few and explicit words:

"To found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men."

These terms have a strictly scientific import, and are susceptible of a series of definite propositions.

First. The bequest is for the benefit of mankind; not to be confined to one country, to one race, but to all men of all complexions.

Second. The objects of the institution are primarily to increase, and secondly, to diffuse knowledge among men, and these objects should not be confounded with each other.

The will makes no restriction of any kind of knowledge, hence, every branch of science capable of advancement is entitled to a share of attention.

Though the terms of the will are explicit and convey precise scientific ideas to those who are acquainted with their technical significance, yet to the public generally they might seem to admit of a greater latitude of construction than has been put upon them. It is, therefore, not surprising that at the commencement, improper conceptions of the nature of the bequest should have been entertained or that Congress in the act of organization should direct the prosecution of objects incompatible with the strict interpretation of it or to impose burdens upon the institution tending materially to affect its usefulness.

The principal of such burdens was the direction to provide a building on an ample scale to make provision for the accommodation of the collections of Government, consisting of all the specimens of nature and art then in the city

of Washington or that might hereafter become the property of the Government by exchange or otherwise.

Though the majority of the Board of Regents did not consider the expenditure of a large amount of the income on this subject in accordance with the will of Smithson, they could not refuse to obey the injunction of Congress, and proceeded to erect an extended building and to take charge of the museum of the Government. The cost of this building, which at first was $325,000, has been increased by the reparation of damages caused by the fire to $450,000, the whole of which has been defrayed from the annual income. Notwithstanding this burden the institution has achieved a reputation as wide as the civilized world, has advanced almost every branch of knowledge, and presented books and specimens to hundreds of institutions and societies in this country and abroad.

It is not a mere statical establishment, as many may suppose, supporting a corps of individuals whose only duty is the exhibition of the articles of the show museum; but a living, active organization that has by its publications, researches, explorations, distribution of specimens and exchanges, vindicated the intelligence and good faith of the Government in administering a fund intended for the good of the whole community of civilized men. It has at the same time collected a library, principally of the transactions and proceedings of learned societies, the most perfect one of the kind in the world, consisting of fifty thousand works; also a collection of engravings illustrative of the progress and early history of the arts, both of which it has transferred to the Library of Congress. It is not alone the present value of the books which it has placed in the possession of the Government, but also that of the perpetual continuation of the several series contained therein.

The institution has continued to render important service to the Government from its first organization until the present time by examining and reporting on scientific questions pertaining to the operations of the different departments, and in this way, particularly during the war, it is not too much to say that it has saved the United States many millions of dollars.

Let me say one word more before leaving this subject. As I have shown, the real purpose of the donation of Smithson which the Board of Regents have tried to promote as well as they could was to extend and circulate means of scientific information; and the management of

the institution has always resisted the tendency to keep up and increase this museum at the expense of this fund.

Recently the institution has given over to the Library of Congress a collection of fifty thousand volumes, constituting probably the most perfect scientific library in the world. But we are still charged as an institution with the cost of this rapidly-increasing museum. Now, the Regents would be glad if Congress would take this museum off their hands and provide otherwise for the care of it. It is a charge imposed upon the institution by law, a charge which it never sought and is not desirous to retain. At the time when this museum was first placed in the custody of the institution it cost but $4,000 a year to keep it in the Patent Office. Now the care of that museum costs three times that amount. I hope therefore that the committee will vote $10,000 instead of $4,000 for this purpose.

Mr. SPALDING. Mr. Chairman, I am very sorry to find the Smithsonian Institution among the leeches that are all the while crying to the Treasury of the United States, "Give, give!" The Smithsonian is a wealthy institution. The Government of the United States is continually paying it gold interest on the large fund belonging to the institution; but the institution is not willing to bear this little additional expense, as it is called, from its own means, but wishes to obtain the money from the public Treasury. The men who pay the taxes must contribute the additional sum to this wealthy institution.

Sir, we have loaned to that institution the National Museum. We have paid the institution for a series of years $4,000 annually in cash for taking care of that museum. The institution has been content with that sum heretofore; but now it comes in and asks an appropriation of $10,000 for this purpose. Sir, we had better take away the museum from the care of that institution. I had almost said we had better throw it into the Potomac than be constantly paying these increased demands from the Smithsonian Institution. That is the light in which the committee have viewed the subject; and in that light they protest against this increase.

The amendment was not agreed to.

March 2, 1869.—Joint resolution reappointing Louis Agassiz a Regent of the Smithsonian Institution, passed.

FORTY-FIRST CONGRESS.

SENATE, *January* 18, 1870.

On motion of Mr. TRUMBULL, that the vacancy in the Board of Regents of the Smithsonian Institution, caused by the death of Hon. W. P. Fessenden, be filled; the Vice-President appointed Mr. Hannibal Hamlin a regent.

March 30, 1870.—Annual report for 1869 presented, and ordered to be printed.

Mr. TRUMBULL offered a resolution to have additional copies printed.

July 13, 1870.—Mr. ANTHONY reported, from the Committee on Printing, the resolution of the House of Representatives to print 10,000 additional copies of the Smithsonian report, which was concurred in.

January 26, 1871.—Letter of resignation, as Regent of the Smithsonian Institution, from General Richard Delafield, read, as follows, and laid on the table:

WASHINGTON, D. C., *January* 25, 1871.

SIR: The period of six years, for which I was appointed a Regent of the Smithsonian Institution, under a joint resolution of the Senate and House of Representatives, expires in February.

I believe the welfare and the best interest of the institution may be subserved by tendering my resignation of this trust and responsibility at the present date, that the Board of Regents and Congress may have the necessary time to appoint my successor and enable him to attend the annual meeting of the Board of Regents, now about to take place.

I have requested Hon. J. A. Garfield to present my resignation as a Regent to the board at its first meeting, and should the occasion require, request you will state the fact to the Senate of my having tendered my resignation for the reasons herein stated.

Respectfully, your obedient servant,

RICHARD DELAFIELD,
Brigadier General U. S. A., (*retired.*)

Hon. SCHUYLER COLFAX, *Vice-President of the U. S.*,
Member of the Board of Regents of the Smithsonian Institution.

January 27, 1871.—Mr. HAMLIN offered the following resolution; which was adopted:

Resolved, &c., That General William T. Sherman be, and he is hereby, appointed a member of the Board of Regents of the Smithsonian Institution, in the place of General Richard Delafield, resigned.

HOUSE OF REPRESENTATIVES, *February* 2, 1870.

THE SPEAKER announced the appointment of the following Regents of the Smithsonian Institution: Mr. Luke P. Poland, Mr. James A. Garfield, Mr. Samuel S. Cox.

April 20, 1870.—The resolution by the Senate to print 13,000 additional copies of the report of the Smithsonian Institution was objected to.

June 7, 1870.—Mr. ASPER offered a resolution that 2,000 copies of the reports of the Smithsonian Institution for 1866, '67, '68 be printed from the stereotype plates.

The following letter from Professor Henry, was read:

SMITHSONIAN INSTITUTION,
WASHINGTON, D. C., *May* 28, 1870.

MY DEAR SIR: I have the honor, with your permission, to address you in relation to extra copies of the reports of this institution, for which the demand has of late years become so great that the number ordered by the House for its members has not been sufficient to supply more than half their constituents who desire them. During the last three years, and especially during the year just passed, so numerous have been the demands upon us for copies of reports that our stock is entirely exhausted. The report gives not only an account of the operations of the institution, but also, in an appendix, a series of translations which exhibit the progress of science in foreign countries. A copy is sent to each of the foreign correspondents of the establishment; to colleges, public libraries, and learned societies publishing transactions; to meteorological observers of the institution; to contributors of the material to the library or museum, and to persons engaged in teaching or in special scientific research, so far as the number of copies furnished to the institution will allow.

In view of these facts, I would respectfully suggest that there be struck off from the stereotype plates of the reports for 1866, 1867, and 1868, now in the hands of the Public Printer, 2,000 copies of each volume—1,000 for the use of the House and the other 1,000 for distribution by the institution.

I have the honor to be, very truly, your obedient servant,

JOSEPH HENRY,
Secretary Smithsonian Institution.

Hon. J. F. ASPER,
U. S. House of Representatives.

Referred to Committee on Printing.

July 12, 1870.—Mr. LAFLIN reported the following resolution from the Committee on Printing, which was adopted:

Resolved, &c., That 10,000 additional copies of the report of the Smithsonian Institution for the year 1869 be printed, 3,000 of which shall be for the use of the Senate, 4,000 for the use of the House, and 3,000 for the use of the Smithsonian Institution: *Provided*, That the aggregate number of pages of said report shall not exceed 450, and there shall be no illustrations except those furnished by the Smithsonian Institution.

December 12, 1870.—Mr. INGERSOLL offered the following resolution:

Resolved, That there be printed, from stereotyped plates now in possession of the Public Printer, 2,000 copies each of the reports of the Smithsonian Institution, for the years 1865, 1866, 1867, 1868; 1,000 of these to be for the use of the members of the House, and 1,000 for distribution by the Smithsonian Institution.

January 30, 1871.—On motion of Mr. POLAND, the House took up and passed the joint resolution appointing General William T. Sherman a Regent of the Smithsonian Institution, in the place of General Richard Delafield, resigned.

February 24, 1871.—The Clerk read as follows:

"For continuing the completion of the survey of the Colorado of the

West and its tributaries, by Professor Powell, under the direction of the Secretary of the Interior, $12,000."

Mr. DAWES. I move to strike out the words "Secretary of the Interior," and insert "the Smithsonian Institution."

The amendment was agreed to.

FORTY-SECOND CONGRESS.

SENATE, *March* 13, 1871.

Mr. HAMLIN. I ask unanimous consent of the Senate to introduce a bill, and I desire to have it considered at this time. I think it will not take two minutes.

By unanimous consent, leave was granted to introduce a bill to amend an act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men, approved August 10, 1846; and it was read twice, and considered as in Committee of the Whole.

The bill proposes to amend the act of August 10, 1846, by striking out in the first section the words "mayor of the city of Washington," and inserting "governor of the District of Columbia," and by making the same change in the third section of the act.

The following is the bill:

Be it enacted, &c., That "An act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men," approved August ten, eighteen hundred and forty-six, be, and the same is hereby, amended in section one of said act by striking out the words "the mayor of the city of Washington," and inserting in place thereof the words "the governor of the District of Columbia," and that said act be further amended in section three by striking out the words "the mayor of the city of Washington," and inserting in place thereof the words "the governor of the District of Columbia."

Mr. HAMLIN. Let me say to the Senate, in one word, what this bill means. The original act creating the institution made the mayor of the city of Washington one of its regents. We have abolished that office, and this bill simply puts the governor of the Territory in his place.

The bill passed.

April 19, 1871.—The concurrent resolution from the House of Representatives, of April 18, for the printing of 12,500 copies of the report of the Smithsonian Institution, for 1870, was agreed to.

April 26, 1872.—Annual report for 1871 laid before the Senate.

Mr. HAMLIN moved to have 12,500 extra copies of the report printed.

May 2, 1872.—Mr. ANTHONY, reported the following resolution; which was agreed to.

Resolved, By the Senate, (the House of Representatives concurring,) that 12,500 additional copies of the report of the Smithsonian Institution, for the year 1871, be printed; 2,500 for the use of the Senate, 5,000 for the use of the House, and 5,000 for the use of the Smithsonian Institution: *Provided*, That the aggregate number of pages of said report shall not exceed 450; and that there shall be no illustrations, except those furnished by the Smithsonian Institution.

May 24, 1872.—Mr. ANTHONY, from the Committee on Printing, reported non-concurrence to the amendment of the House of Representatives to increase the number of extra copies of the report, for 1871, to 20,000. Agreed to.

May 29, 1872.—Mr. ANTHONY, from the Committee on Printing, reported back the following resolution of the House of Representatives, which was agreed to:

Resolved, &c., That 2,000 copies of each of the reports of the Smithsonian Institution of which the stereotype plates are now in the Congressional Printing Office be printed for distribution by the Smithsonian Institution to libraries, colleges, and public establishments.

December 10, 1872.—The VICE-PRESIDENT appointed Mr. J. W. Stevenson of Kentucky, a regent of the Smithsonian Institution, in the place of Mr. Garrett Davis, deceased.

February 21, 1873.—Annual report of the Smithsonian Institution, for 1872, presented.

February 28, 1873.—Mr. STEVENSON. I am authorized by the Committee on Appropriations to offer a small amendment on page 27, line six hundred and fifty-eight, to strike out "fifteen," and insert "twenty." The clause now reads:

For preservation of the collections of the surveying and exploring expeditions of the Government, $15,000.

This increase is asked for in order to enable the institution to arrange and exhibit the geological collections lately transferred from the Land Office, and to make out duplicate specimens in sets for distributing to colleges and institutions throughout the United States. Professor Baird, in a letter before me, says that he made this estimate of $15,000, which is the usual estimate, before the transfer was made from the Land Office of all these specimens, and the additional appropriation is required to prepare for the large increase of these specimens, and also to prepare duplicates for distribution. The amendment simply proposes an appropriation of $20,000, instead of $15,000. I hope the Senate will agree to it.

Mr. COLE. I think $20,000 is probably more than the whole thing is worth.

Mr. STEVENSON. I am astonished at the chairman.

Mr. COLE. I think it is hardly worth while to expend such a large sum for such things, and $15,000 it seems to me is ample for whatever care is requisite for the specimens that were received by the Smithsonian Institution from the Land Office.

Mr. STEVENSON. I had hoped that the chairman of the committee would be satisfied with the recommendation and estimate of Professor Baird. He gives a very good reason why he wants an increase of the appropriation, and when a man like Professor Baird tells us why he wants this, in order to enable the institution to exhibit the geological collection which they have received, and to make out duplicate specimens of them, I do not see how we can well refuse such a request.

The amendment was agreed to.

March 1, 1873.—Mr. ANTHONY reported from the Committee on Printing the following resolution, which was agreed to:

Resolved, &c., That 12,500 additional copies of the report of the Smithsonian Institution for the year 1872 be printed, 2,500 copies of which shall be for the use of the Senate, 5,000 for the use of the House, and 5,000 for the use of the institution: *Provided*, That the aggregate number of pages of said report shall not exceed 450, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

HOUSE OF REPRESENTATIVES, *March* 14, 1871.

Senate bill, of March 13, 1871, was taken up, on motion of Mr. Poland, and passed.

April 10, 1871.—Mr. POLAND submitted a concurrent resolution for printing reports of the Smithsonian Institution.

April 18, 1871.—Mr. ELLIS H. ROBERTS, from the Committee on Printing, reported the following resolution; which was adopted:

Resolved, By the House of Representatives, (the Senate concurring,) that 12,500 additional copies of the report of the Smithsonian Institution, for the year 1870, be printed; 2,500 for the use of the Senate, 5,000 for the use of the House, and 5,000 for the use of the Smithsonian Institution: *Provided*, That the aggregate number of pages of said report shall not exceed 450; and that there shall be no illustrations, except those furnished by the Smithsonian Institution.

April 3, 1872.—Mr. POLAND introduced concurrent resolution for printing 2,000 extra copies of each of the reports of the Smithsonian Institution for such volumes as the stereotype plates are in the Congressional Printing Office.

April 26, 1872.—Annual report for 1871 laid before the House.

Mr. POLAND offered a resolution to print 20,000 extra copies of the report.

May 10, 1872.—Mr. PRICE, from the Committee on Printiug, reported back the concurrent resolution of the Senate to print 12,500 additional copies of the report of the Smithsonian Institution, for 1871.

Mr. GARFIELD. I hope there will be an increase of the number of these reports to be printed. I move that the several numbers be doubled.

Mr. RANDALL. I think 5,000 copies will be enough for the institution.

Mr. GARFIELD. Well, I will move to double the number for each House of Congress, but not for the Smithsonian Institution.

The amendment was agreed to, and the resolution adopted.

May 23, 1872.—Mr. PENDLETON, from the Committee on Printing, offered the following concurrent resolution; which was adopted:

Resolved, &c., That 2,000 copies of each of the reports of the Smithsonian Institution of which the stereotype plates are now in the Congressional Printing Office be printed for distribution by the Smithsonian Institution to libraries, colleges, and public establishments.

June 3, 1872.—Mr. PRICE reported back from the committee the Senate resolution for printing 12,000 extra copies of the report of the Smithsonian Institution, for 1871. The House amended the resolution by making the number 20,000, but the Senate refused to concur in that amendment. The Committee on Printing recommended that the House recede from its amendment.

Mr. POLAND. I hope the House will not recede.

The SPEAKER. If there is to be a debate, the Chair cannot entertain the proposition. The House is acting under an order made under suspension of the rules to consider business on the Speaker's table.

Mr. BEATTY. I think the gentleman from Vermont [Mr. Poland] had better agree to the proposition to recede.

Mr. POLAND. No, sir; I have very good reasons for believing that the Senate will concur in our amendment if we insist upon it.

June 8, 1872.—By act of Congress it was provided that all publications sent or received by the Smithsonian Institution, marked on each package "Smithsonian Exchange," should pass free in the mail.

December 20, 1872.—Mr. POLAND offered a resolution to have 20,000 extra copies of the report for 1871 printed.

January 31, 1873.—Senate resolution that 20,000 copies of the report of the Smithsonian Institution for 1871 be printed; agreed to.

February 21, 1873.—Mr. POLAND offered a resolution to have 20,000 extra copies printed of the report of the Smithsonian Institution for 1872.

March 3, 1873.—Mr. PRICE, from the Committee on Printing, reported concurrence in the resolution of the Senate to print 12,500 extra copies of the report of the Smithsonian Institution for 1872; which was agreed to.

FORTY-THIRD CONGRESS.

SENATE, *January* 5, 1874.

Mr. STEVENSON introduced a resolution providing that the vacancies in the Board of Regents of the Smithsonian Institution of the class other than members of Congress be filled by the appointment of Asa Gray, J. D. Dana, A. T. Stewart, and that John Maclean and Peter Parker be reappointed.

Mr. STEVENSON. The appointments have been agreed upon by the Board of Regents of the Smithsonian Institution and they are to supply all vacancies in that board.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. SUMNER. I ask if that is the report of a committee, or a simple resolution?

The PRESIDENT *pro tempore*. It is a joint resolution introduced by the Senator from Kentucky.

Mr. SUMNER. I suggest that it should be considered by a committee. I honor all the gentlemen named in the resolution; still I think it has been customary to consider such resolutions in committee.

Mr. STEVENSON. I have no objection to its reference to a committee.

Mr. SHERMAN. I think the resolution ought to be referred to the Committee on the Library, which has general charge of the Smithsonian Institution.

The PRESIDENT *pro tempore*. Does the Senator make that motion?

Mr. SHERMAN. Yes, sir.

The motion was agreed to.

January 12, 1874.—Mr. HOWE, from the Committee on the Library, to whom was referred the above resolution, asked to be discharged from its further consideration, and that it be indefinitely postponed; which was agreed to.

The same committee, to whom was referred the joint resolution from the House filling existing vacancies in the Board of Regents of the Smithsonian Institution, have had the same under consideration, and have instructed me to report it back without amendment, and with the recommendation that it pass; which was ordered to lie over.

January 13, 1874.—Mr. STEVENSON moved to take up the joint resolution from the House providing for the appointment and reappointment of Regents of the Smithsonian Institution, which yesterday was ordered to lie over; and it was read a third time and passed.

The PRESIDENT *pro tempore* appointed Mr. A. A. Sargent, of California, a regent of the institution.

February 13, 1874.—Annual report for 1873 laid before the Senate.

Mr. HAMLIN offered the following:

Resolved, (the House of Representatives concurring,) That twelve thousand five hundred additional copies of the report of the Smithsonian Institution, for the year 1873, be printed; twenty-five hundred of which shall be for the use of the Senate, five thousand for the use of the House, and five thousand for the use of the institution: *Provided,* That the aggregate number of pages of said report shall not exceed four hundred and fifty, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

February 20, 1874.—Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print extra copies of the report of the Smithsonian Institution, have directed me to report it back with amendments, and to ask for its present consideration.

The Committee on Printing proposed to amend the resolution, so as to make it read:

Resolved, (the House of Representatives concurring,) That seven thousand five hundred additional copies of the report of the Smithsonian Institution, for the year 1873, be printed; five hundred of which shall be for the use of the Senate, one thousand for the use of the House, and six thousand for the use of the institution.

Mr. ANTHONY. The customary publication of this document has been twelve thousand copies; five thousand for the use of the Smithsonian Institution, twenty-five hundred for the use of the Senate, and five thousand for the use of the House of Representatives. We now have reported to increase the number to the institution from five thousand to six thousand, to reduce the number for the Senate from

twenty-five hundred to five hundred, and to reduce the number for the House from five thousand to one thousand. If the number for Congress is reduced so much, the institution will require a little more—so the Regents think. This, I believe, is the first resolution that the Committee on Printing have reported at this session for printing any additional documents. The number is exceedingly small, and it is the intention of those who are best acquainted with the institution, especially of those who have been charged on the part of Congress with participation in its management, that there should be some extra copies, and in deference to them we have made the recommendation.

Mr. MORRILL, of Maine. I should like to inquire of the Senator from Rhode Island whether he is aware of the fact that Congress, in the early part of the session, passed a resolution suspending the publication of documents, and whether this is in harmony with the expression of Congress?

Mr. ANTHONY. That has not passed the House.

Mr. MORRILL, of Maine. It passed the Senate.

Mr. ANTHONY. If the Senator asks my judgment, I think this is not in conformity with that.

Mr. MORRILL, of Maine. I should think that until the Senate reconsider that proposition we ought to adhere to it. Yesterday some proposition came from the Committee on Printing of a similar kind.

Mr. ANTHONY. What one?

Mr. MORRILL, of Maine. Recommending the publication of some document.

Mr. ANTHONY. That was for the use of the proper Department, not for the use of Congress. It was only five hundred copies of a medical report that was thought to be valuable for scientific purposes, and they are to be distributed entirely by the Department.

Mr. MORRILL, of Maine. I think we ought not to go into retail in printing when in wholesale we have resolved not to print; and I do think it is wise to adhere to the resolution that we passed, at least until some full understanding as to the publication and distribution of documents is had.

Mr. ANTHONY. I do not think we are bound by a proposition that has only passed one House of Congress; but I am not a lawyer, and I will leave that to the Senator from Maine.

Mr. MORRILL, of Maine. I think we should have a little respect for our own action, whether the House chooses to concur or not.

Mr. HAMLIN. I wish to state a fact. I may say in behalf

of the Smithsonian Institution that I think this is entirely distinct from the documents which we publish sent to us from the departments, or which emanate from our committees. This is purely a scientific work. It is the annual report of the Smithsonian Institution, made in pursuance of law to this body. To myself it may seem of very much less value than to many others; but I think no man can ever examine a single report of that institution without being impressed with its great value. These reports are for the general reader perhaps of little use, being somewhat technical and scientific; but yet they are of immense value to the world, and they are transmitted all over the world, and we receive back in exchange the scientific reports of different societies and different governments. I think this stands entirely distinct from the documents ordinarily printed by Congress; and I do not think the law or resolution to which my colleague refers ought to apply to this report, if it does technically; and if it does, this has got to pass the ordeal of the House, and it must be by a concurrent vote, which will express their opinion that this stands distinct from other matters, as well as our own. I hope the resolution will be concurred in.

Mr. Morrill, of Maine. Only one word. Early in this session we determined to arrest the publication of public documents, and I think properly. I am not going to say whether it is true or not, for on that I have my own opinions, and they may not be in harmony with the public sense on that subject—but one thing is clear, that from one consideration or another, within the last few years, a very general impression or sentiment or conviction has come to obtain in the public mind that the publication of documents by the Congress of the United States had become a very great abuse. It took a variety of forms. It was an abuse under the franking privilege, which overloaded the mails. It was an expense in many ways, and it was a corruption in itself. That is a deep seated and thorough conviction in the public mind, right or wrong, and I think the Senate of the United States was wise when at the beginning of this session it said it would pause in the publication and distribution of documents, for the present at least, until some wise determination could be come at.

Now, it may be that the views of my colleague render this an exceptional case; and it is a proper thing, possibly, to publish the reports of the Smithsonian Institution, being of a scientific character, so far as relates to itself; but this resolution provides for their publication for distribution

and certainly it ought not to apply to that. We do not want these reports for distribution. We have no means of distributing them. At any rate, to that extent I submit to my colleague that this is certainly within the inhibition of the resolution of the Senate. If there is no special objection, therefore, I should like to have this resolution lie over until to-morrow.

Mr. FRELINGHUYSEN. I wish to say a word on this subject.

Mr. MORRILL, of Maine. I withdraw the motion, to allow the Senator to do so.

Mr. FRELINGHUYSEN. I have only a word to say. I shall vote for the resolution to print this report; and I will vote for any resolution to print the proceedings of Congress. I think this idea of isolating the Congress of the United States from the people is a very foolish one. As to economy, I think it is an illustration of that wise saying that "there is that withholdeth more than is meet, but it tendeth to poverty." The people of my State write to me every day for copies of the Agricultural Report, which contains most valuable information to the farmers of the country, and they cannot be obtained. The books are ready to be printed, but their printing is stopped; and we are keeping the proceedings of Congress here as a close corporation from the people. I introduced a bill providing that these public documents should be circulated; the postage in no event to be more than twenty-five cents a volume, and not requiring prepayment, and authorizing the documents to be sold if they were not called for within ten days. That bill has not been reported from the Committee on Post Offices and Post Roads.

Mr. RAMSEY. I will say to the Senator that the committee have it under consideration.

Mr. FRELINGHUYSEN. I hope Congress will adopt some measure by which that which transpires here may be circulated and disseminated among the people. At a large expense we print every day a record of the proceedings of Congress. What good does it do? The people do not get it. No provision is made for its circulation.

Now, as to the idea that the people are opposed to this, I was very much struck by a remark which was made—I do not know but that it was in one of the articles which were read here yesterday—that a million of people might petition Congress, but we must remember there are thirty-nine millions that are not heard from. I believe the people want information as to what transpires here, and it is their right to

have it, and it is our duty to give them the opportunity to know what we do.

Mr. ANTHONY. I believe when this report was presented the usual number was ordered to be printed. If not, I will make that motion. That number ought to printed at any rate.

The PRESIDENT *pro tempore.* It was ordered. The Chair understands objection to be made to the further consideration of the resolution.

Mr. MORRILL, of Maine. Yes, sir.

The PRESIDENT *pro tempore.* The resolution will lie over.

February 27, 1874.—Mr. HAMLIN. I move to take up the resolution for the printing of the Smithsonian report. I think it will detain the Senate but a moment. It was up the other morning.

The motion was agreed to.

Mr. HAMLIN. My colleague interposed some objection to the resolution because there were five hundred copies provided for in it for the Senate, and a thousand for the House. I have conferred with my colleague, and I have also conferred with the Senator who reported the resolution, and with their concurrence I move now to strike out the whole number appropriated to both the Senate and House. That will be my first motion. I shall follow that with another motion to increase the number to the Smithsonian Institution by fifteen hundred, which is just the number stricken out. That takes away entirely the objection to printing any copies for our own distribution. I transfer that number to the institution for this reason: I take it every Senator, like myself, has supplied the principal libraries of the State for years with this work. They will want it, and they will cease to call upon us, but they will call upon the institution for it, and that number which was proposed for the Senate and for the House will be transferred there, and there they will find them.

I want to say also, in this connection, that by an exchange of this very work with foreign societies and foreign governments, we add to our congressional library works of value, amounting to between two and three thousand volumes annually.

The PRESIDENT *pro tempore.* The resolution will be read as proposed to be amended.

The CHIEF CLERK. If amended as proposed by the Senator from Maine, the resolution will read:

"*Resolved,* (*the House of Representatives concurring,*) That seven thousand five hundred additional copies of the report of the Smithsonian Institution,

for the year 1873, be printed for the use of the institution: *Provided*, That the aggregate number of pages of said report shall not exceed four hundred and fifty, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

The amendment was agreed to.

The resolution, as amended, was agreed to.

December 10, 1874.—Mr. HAMLIN offered the following joint resolution, which was adopted:

Resolved, &c., That the existing vacancy in the Board of Regents of the Smithsonian Institution, of the class other than members of Congress, shall be filled by the appointment of George Bancroft, of the city of Washington, in place of William T. Sherman, resigned.

Mr. HAMLIN. I will say only that there is an existing vacancy, as stated in that resolution, occasioned by the resignation of General Sherman, who has moved from this city. The law requires that that regent shall be from the city. Mr. Bancroft, the eminent historian, has come here to reside. All three of the Board of Regents on the part of this body think it is eminently fitting that he should be designated by Congress to fill that existing vacancy.

December 14, 1874.—On motion of Mr. SARGENT, the House resolution of May 15, 1874, ordering 10,500 extras of the report of the institution for 1873, was taken up and adopted.

February 27, 1875.—Mr. ANTHONY, from the Committee on Printing, reported back the following resolution, which was concurred in:

Resolved, (*by the House of Representatives, the Senate concurring*,) That 10,500 copies of the report of the Smithsonian Institution, for the year 1874, be printed; 2,000 of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 7,500 for the use of the institution: *Provided*, That the aggregate number of pages of said report shall not exceed 450, and that there shall be no illustrations, except those furnished by the Smithsonian Institution.

March 2, 1875.—The VICE PRESIDENT laid before the Senate a bill extending the privilege of the library of Congress to the Regents of the Smithsonian Institution; which was read, and passed.

The following is the bill:

Be it enacted, &c., That the Joint Committee of both Houses of Congress on the Library, be authorized to extend the use of the books in the library of Congress to the Regents of the Smithsonian Institution, resident in Washington, on the same conditions and restrictions as members of Congress are allowed to use the library.

HOUSE OF REPRESENTATIVES, *December* 18, 1873.

The Speaker appointed Mr. E. R. Hoar, of Massachusetts, Mr. S. S. Cox, of New York, and Mr. G. W. Hazelton, of Wisconsin, Regents of the Smithsonian Institution.

December 19, 1873.—Mr. KELLOGG. I ask unanimous consent to submit the following resolution:

Resolved, &c., That Professor James D. Dana be, and hereby is, appointed as one of the Board of Regents of the Smithsonian Institution of the class other than members of Congress, in place of Theodore D. Woolsey, of Connecticut, who declines to be reappointed.

Mr. KELLOGG. I trust there will be no objection to the adoption of the resolution.

Mr. GARFIELD. I suggest that it be referred to the Board of Regents.

Mr. KELLOGG. If there be any objection, I will not press the resolution.

Mr. GARFIELD. I do not suppose there is any objection, but I only suggest that it is the usual course.

Mr. KELLOGG. If the usual course is as stated by the gentleman from Ohio I do not object.

Mr. GARFIELD. There is another vacancy to be filled, occasioned by the death of Professor Agassiz.

Mr. KELLOGG. I do not suppose there would be the least objection, Professor Dana being so well known; but if that is the usual course, I do not object.

Mr. BUTLER. I suggest that the resolution be referred to the Committee on Education and Labor.

Mr. KELLOGG. I move that it be referred to the Committee on Education and Labor.

January 5, 1874.—Mr. GARFIELD introduced a joint resolution providing that the vacancies in the Board of Regents of the Smithsonian Institution of the class other than members of Congress be filled by the appointment of Asa Gray, J. D. Dana, A. T. Stewart, and the reappointment of John Maclean and Peter Parker; which was referred to the Committee on Education and Labor.

January 6, 1874.—Mr. MAYNARD offered a joint resolution in relation to the appointment of Regents of the Smithsonian Institution, which was referred to the Committee on Education and Labor.

January 7, 1874.—Mr. SHERWOOD introduced joint resolution for the appointment of Professor Leo Lesquereux, of Columbus, Ohio, one of the Regents of the Smithsonian Institution; which was referred to the Committee on Education and Labor.

Mr. MONROE. The Committee on Education and Labor have had under consideration sundry resolutions in regard to filling vacancies in the Board of Regents of the Smithsonian Institution. Some other gentlemen had asked for

an opportunity to suggest names; but there seemed to be reasons for prompt action upon the subject, and the committee, therefore, instructed me to report at once a joint resolution naming certain gentlemen to fill these vacancies.

The resolution now reported by the committee is identical with that which was introduced by the gentleman from Ohio, [Mr. Garfield,] one of the regents of the institution, with the exception that in a single name we propose a change, which, it is thought, would perhaps, on the whole, more fairly distribute the appointments and meet better certain interests which were deemed by the committee to be of great importance. The highest esteem and respect were felt by the committee for all the gentlemen whose names have been suggested: but, on the whole, the arrangement proposed in the resolution which I now report seemed to the committee to be the best they could make.

The joint resolution provides that the existing vacancies in the Board of Regents of the Smithsonian Institution, of the class other than members of Congress, shall be filled by the appointment of Asa Gray, of Massachusetts, in place of Louis Agassiz, deceased; J. D. Dana, of Connecticut, in place of Theodore D. Woolsey; Henry Coppée, in place of W. B. Astor; and John Maclean and Peter Parker, whose terms have expired, are to be reappointed.

Mr. MAYNARD. Will the gentleman allow me to occupy one moment? I introduced yesterday and had referred to this committee a resolution in accordance with an idea I entertained, but had had no occasion to express specially, that the Smithsonian Institution, founded and endowed by the munificence of a British subject "to increase and diffuse knowledge among men," should be made, so far as possible, national in its character. Now, in looking at the list of regents, I find that while they are all most excellent and eminent men, (and I hope the day is far distant when any section of our country will not have eminent and distinguished men enough to more than furnish the list of regents,) the appointments are at present limited geographically.

I suggest to the chairman of the Committee on Education and Labor whether, as a matter of wise policy, it would not be well to emphasize the national character of the institution by extending geographically the citizenship of the gentlemen constituting the Board of Regents. With this view I have proposed, in the joint resolution introduced by me yesterday, that one member of the board shall be a distinguished and eminent citizen of my own State. I refer to Rev. Dr. Thomas W. Humes, president of the University of East

Tennessee, a citizen by birth and continued residence in that State, and a gentleman of great attainments and high personal character; not that he is more distinguished, more worthy, or in any respect superior to the gentlemen who have been named. I make no such claim. But this gentleman, if appointed, will be the representative of a large region of our country, the great Southwest, (embracing also a portion of the South and of the West,) whose scientific possibilities are very great—whose scientific resources, if I may use that expression, have been hitherto very largely unconsidered and undeveloped. It has seemed to me wise to include in the Board of Regents a representative from that very large portion of our common country.

I do not wish it to be understood that I would not accept as readily any other distinguished name that might be suggested that would represent the same general region of country; but I certainly think it would give greater effect and importance to the labors of that institution to have its regency distributed more generally throughout the country. I am reminded by gentlemen sitting near me that there is no one on that board from either the South or the West.

I bring this subject generally before the House; I move to substitute the name of Thomas W. Humes, a citizen of Tennessee, for that of Henry Coppée, of Pennsylvania.

Mr. G. F. Hoar. Mr. Speaker, it may possibly interest the House if I occupy a few minutes in stating the purpose of the Smithsonian Institution; for in view of that purpose I am sure the gentleman from Tennessee [Mr. Maynard] himself will commend the wisdom of the recommendations we make. The Smithsonian Institution has for its Board of Regents three persons appointed from the members of this House, three persons appointed from the Senate, the President of the United States, the Chief Justice of the United States, and certain other officers of the Government are regents *ex officio*. These officers give the regency of the institution its national character. The whole nation of course has its voice in their selection. There are six other regents who are specially appointed by joint resolution of Congress, and it is to fill vacancies in this number that this resolution is designed.

The purpose of the Smithsonian Institution is the "advancement of knowledge among men;" and after very full and thorough debate at the time of its origin, the authorities of that day determined that it was best to devote the fund at their disposal, not to the mere dissemination of knowledge as is done by the publication and distribution of books, nor

to mere educational purposes as would be done by the endowment and support of institutions for instruction, but that the fund should be applied to promoting and publishing the results of such original investigations as may tend to advance and increase the pure scientific knowledge of mankind. To this end a fund of about $700,000, part of which is invested in buildings, leaving an income-bearing fund of about $500,000, is within the control of the institution.

The income of that fund is appropriated in this way: Suppose, for instance, an eminent mathematician says that he desires to have made a computation in connection with certain investigations to determine the cause of the perturbation of a planet, such as those of Leverrier which led to the discovery of the planet Neptune. If those investigations require a large amount of mathematical computation which may almost be termed mechanical, this would involve a good deal of expense to him. Suppose the Smithsonian Institution decides that the result of such investigation will advance scientific knowledge, it will advance a sum of money to pay for such computations, if it does not pay anything to the scientific man himself as compensation, or for support. So if a scientific man wishes to make a certain inquiry into the laws of optics or of electricity, and if the Smithsonian Institution is satisfied of the capacity of the person and of the usefulness of the results likely to be obtained, it appropriates such sum of money as may be necessary to obtain the requisite apparatus, and lets him have the use of it; and then, if the result of that investigation is found to be of value to science, it appropriates the money for its publication.

Now everybody knows the familiar instance when Morse invented his alphabet for recording telegraphy. The knowledge of the laws of magnetism, which made that magnificent invention serviceable to mankind, which has rendered the name of American science illustrious, came from the previous researches and investigations of Professor Henry, who brought from the vast treasure-house of science that knowledge of the laws of nature which the invention of Morse made useful for the practical benefit of mankind. Now, in order to determine what papers are proper to be published, or what kind of investigations, among the large number that are offered to the Smithsonian Institution, will be useful for the advancement of science, you should have among the members of that board persons who are authority in particular departments of science. They are not selected as a public honor to the persons themselves; they are not selected for the purpose of recognizing the claims of or of

stimulating interest in the institution in different portions of the country; but men are selected whom Professor Henry and his associates in that institution deem competent to decide in regard to the particular scientific investigations which it may be desired to make. For instance, my distinguished friend from Tennessee [Mr. Maynard] proposed the name of Professor Snell, of Amherst College, in place of the late Professor Agassiz. Professor Snell, of Amherst College, is one of the most eminent scholars of my State; a pure, earnest, modest devotee of learning, who has made a thousand contributions to science, from which he has received no benefit. But Professor Snell's life has been devoted to the investigation of optics, magnetism, and certain branches of natural science, which are also the special pursuits of Professor Henry, the secretary and director of the institution; and it is not important, therefore, to add at this moment to the force of the Smithsonian Institution another gentleman who will be an authority on matters of optics, magnetism, galvanism, &c. But one thing on which Professor Agassiz, just deceased, was the great authority in this country and the world, was natural history, including the growth of animals, the origin of species, the growth of plants, of trees, &c., and this is a matter in regard to which the science of the world is especially busying itself at the present time, and of a knowledge of which the practical need of this country is the greatest.

The prairie lands of the Northwest, which lie between the dense settlements of the Atlantic and the Pacific, are in need of the scientific information—as my friend [Mr. Kelley] who does me the honor to listen to me, knows very well—which may cover those lands with forests, with shade-trees, with vegetation. Professor Gray is, perhaps, the greatest authority in the world on that special matter. Now, how idle, how unwise, it would be for the members of this House to say that, because Colorado or Wyoming are to be represented on the Board of Regents of the Smithsonian Institution, they may appoint some man from those Territories rather than appoint Professor Gray, the greatest authority on this question. He happened to reside at Cambridge in his youth and in the time of his early studies. The libraries and scientific apparatus which were necessary for the prosecution of his studies in that department of science were there. So in the case of Professor Dana. I suppose any California gentleman on this floor will agree that no man has been so great a benefactor to the development of the mineral resources of the State of California as

Professors Dana and Whitney. (Professor Whitney, indeed, has resided in California of late years.) Professor Dana is a great authority on matters of mines and minerals, and his life has been where a library and apparatus, making the prosecution of his labors pleasant and profitable, existed.

Now the name of Alexander T. Stewart, a distinguished financier, has been recommended in the place of another man of wealth and a business man in the State of New York, (Mr. Astor,) and the committee would have been delighted to adopt that recommendation; but we were informed by a gentleman on the committee, from the State of New York, that the state of Mr. Stewart's health is such that it would not be certain he would be able to give his personal attention to the business of the Board of Regents. Therefore, because it was not a matter of personal honor, but because it was a matter of supplying the wants of this institution, we recommend in his stead the name of an eminent man of science in the State of Pennsylvania, formerly the head of a university in that State, who adds to the reputation and capacity of a scientific man great financial ability, as exhibited in the management of his institution.

Mr. Wood. Will the gentleman from Massachusetts, before he sits down, please tell me whether Mr. Astor retires at his own request?

Mr. G. F. Hoar. Yes, sir.

Mr. Wood. I am sorry for it, for he is one of the best belles-lettres scholars in the country. I will say, further, that I cannot see what practical service these gentlemen render when they come here once a year for a day or two.

Mr. G. F. Hoar. I am glad the gentleman has made that suggestion. Suppose the gentleman from New York goes to Professor Henry with a paper composed by himself or some friend, or asking an investigation involving the use of apparatus or other expenditure from the funds of the institution; Professor Henry refers that paper or that request for an examination to one of these scientific gentlemen; he sends it to him at his home, and he spends perhaps days or weeks in determining whether the paper is one proper to be published at the expense of the Smithsonian Institute, or whether the investigation is one fit to be pursued. This meeting once or twice a year in Washington is but a trifle to the labor which these five or six scientific gentlemen perform in the course of the year. There is residing in my own city a gentleman, the librarian of the Antiquarian Society there, who prepared by the labor of years a very interesting

the aboriginal settlers of the country. That paper was published at the expense of the Smithsonian Institute; and now letters come from all parts of Europe testifying to the appreciation of the scientific world of that paper published by the Smithsonian Institute. Now, the man who is to pronounce upon the character of a publication, or upon the propriety of an examination, should be the best authority upon that special question in the country.

Mr. MAYNARD. I desire, in the first place, to make a verbal correction. My friend from Massachusetts has fallen into a common error in speaking of this establishment as the "Smithsonian Institute." James Smithson, who founded it, called it the "Smithsonian Institution."

Mr. G. F. HOAR. I am much obliged to the gentleman for that correction; and now will the gentleman be kind enough to state to the House, with regard to the gentleman whose name he proposes, what special branch of science he has devoted himself to? I am not myself as familiar with his labors as perhaps I ought to be.

Mr. MAYNARD. I listened to the gentleman from Massachusetts with great pleasure and instruction, as I always do. We can best ascertain the character of the regency of the Smithsonian Institution by giving the names and residences of those who recently constituted it. They are, Louis Agassiz, a citizen of Massachusetts; Theodore D. Woolsey, a citizen of Connecticut; William B. Astor, a citizen of New York; Peter Parker and William T. Sherman, citizens of Washington; and John Maclean, a citizen of New Jersey. All of these gentlemen, it will be seen, come within the category of the gentleman from Massachusetts; but the time has not yet come, and I trust it never may come, when the scientific talent of the country will be confined within a limited area.

The gentlemen proposed are all distinguished, and I did not predicate my motion upon any unfitness, suggested or implied, or intended to be understood, in reference to the superior fitness of any one of them. I suggested what seemed to me to be a better and wiser administration of this great public trust—a trust committed to us in the presence of the civilized world, and for the wise administration of which we stand conspicuously responsible. My suggestion is that we should select the regency from different portions of the land, so as to represent the vast geography of the whole country. The gentleman from Massachusetts asks me what have been the distinguishing studies and the character of the intellectual labors of the eminent gentleman whose name I have ventured to mention—a divine of eminence in the

Protestant Episcopal Church, and at the head of the leading university of my State, if not of the great Southwest. He is eminent for his high literary and scientific attainments, and has been a scholar all his life; and his head, like mine and that of my friend, begins to bleach from the effect of years. Many gentlemen on this floor are acquainted with him personally or by character, and there will be no controversy, I am sure, about his fitness for this duty. But I have placed the discussion upon higher ground. The question is, whether it is not a wiser, better, more politic arrangement, other things equal, to distribute these offices a little more, rather than to concentrate the whole regency within a few States upon the Atlantic coast. With these remarks I leave the question.

Mr. MONROE. Mr. Speaker, I desire to say a word in regard to what has been said of the action of the committee on this subject. It is a matter of great delicacy to discuss this question here in the House to any great extent, and to discuss the multitude of names that would at once be offered here if the question of the claims of the several States were to be fully examined on this floor; for their claims are all very excellent and very valid. I am not without some sympathy with the local feeling expressed by the gentleman from Tennessee, [Mr. Maynard.] As a member of the committee I represent Ohio. Now, Ohio is a State also; there is some land in Ohio; it is quite a piece of territory, and I could not help thinking of a large number of accomplished gentlemen and dear friends of mine in that State, some of whom I would be very glad to have named for these places, and men whom I know would have filled them with credit to themselves and with high usefulness to the objects of the institution. But I saw at once that this was just one of those questions in which we must give up local preferences. In discussing a question of science, of all others, I imagine on the whole a man will be most useful who can be most capable, and who can yield most readily to local preference belonging to his own district. I recognized the necessity for that; and, although I had no doubt I had even in my own congressional district, where there are four colleges of a very high order, the very best men in the world to fill these vacancies, I thought it quite right to make the great sacrifice of yielding up this question of the local claims of my congressional district.

What is there of locality about these great names in science? Who cares anything about where their domicile is? How inferior any question of that sort is in comparison

with the high commission upon which God has sent them into this world and the grand work they are accomplishing! Will anybody who hears me tell me that Professor Dana, of New Haven, is not a man in whom my own locality will be interested? He belongs to my locality; he belongs to my vicinage; he is my neighbor; he is one of the nearest and best of my neighbors; he is by intellect among the men in whom my neighborhood has the deepest interest; he belongs to my neighborhood; and so do Professor Gray and Professor Agassiz. They have, by the services they have rendered and are rendering to science, secured the interest not only of New England, New York, but the interest of the whole world. And there is no better principle, Mr. Speaker, upon which to select these men than to search diligently for the best and put them in these places. We, therefore, thought it best upon the whole to make this report and secure its adoption by the House if we could.

Mr. Cox. I ask the gentleman from Ohio to yield to me for a moment.

Mr. Monroe. I was going to demand the previous question on this matter, but I will yield to the gentleman from New York. I recognize his right to be heard.

Mr. Cox. I would not intrude my voice on the House on this question but for the fact that for some dozen of years I have been more or less associated with this Smithsonian regency; and I would say to the House we have never had any special need for men of financial ability, at least since I have been a regent of the Smithsonian Institution. Our affairs have been conducted with economy. There has been no surplus which has not been used in a proper way, and there has been no deficiency. I supposed the Board of Regents had sent in the name of Mr. Stewart in place of Mr. Astor after some consultation with him, but I learn this committee has withdrawn the name of Mr. Stewart on the simple suggestion that his health is not good.

I propose to amend the amendment offered by the gentleman from Tennessee so as to replace the name of Mr. Alexander T. Stewart, of New York; and I do it for this reason: There is no special need or requirement for the presence of these regents at Washington except once or twice a year. There is no special need for any culture in any particular line of science, on the part of some of the regents at least, for we are supplied with men of that quality in the presidents and professors of colleges who are now there. But I will say, Mr. Speaker, on behalf of Mr. Stewart, who is perhaps entirely ignorant of these proceedings, that he adds

to his great wealth, his wonderful mercantile ability, and his skill in finance, rare education and great refinement of culture. He would give strength, solidity, firmness, to this institution. I think the original idea should be carried out, and his name replaced. Then we would avoid all these discussions as to particular localities which have been raised by the gentleman from Tennessee [Mr. Maynard] in the suggestion of a man from that State. I therefore move to amend the amendment of the gentleman from Tennessee by inserting the name of Alexander T. Stewart.

Mr. MONROE. I now yield five minutes to the gentleman from Pennsylvania, [Mr. Storm,] a member of the committee, after which I propose to call the previous question.

Mr. STORM. I hope that the resolution, as modified by the Committee on Education and Labor, will be adopted. That committee carefully considered the resolution referred to, and came to the conclusion which they have reported. The name of Mr. Stewart was before that committee, together with several other names. After full discussion and interchange of views by the members of the committee they came to this conclusion, and I trust the action of the committee will be approved by this House at this time.

If we follow the course indicated by the gentleman from Tennessee [Mr. Maynard] and the gentleman from New York [Mr. Cox] I have no doubt that every gentleman upon this floor has some particular friend whom he would desire to honor by suggesting his name for this position. The committee have looked solely to the qualifications, scientific and literary, of the persons whose names have been suggested. If the gentleman can give one reason or state one single particular wherein Mr. Stewart is superior to Professor Coppée, I will yield to him. Mr. Stewart is a merchant, of large business, engrossed and absorbed in mercantile pursuits. I dare say he would be entirely unable to pay any attention at all to any question that might be referred to him should he be appointed to this place.

Professor Coppée, as a scientific and literary man, is abreast with the age upon all questions of science, and is largely interested in metallurgy, civil engineering, and mining, questions which are now pressing themselves upon the attention of our colleges and schools, and the study of which is replacing the old study of the dead languages. He has given great attention to these matters, and is to-day in Pennsylvania one of the leading scientific minds upon all these great questions, in which the people have such a deep interest. I think that it is due to that class of our people that they

should be represented upon the Board of Regents by such a man as Professor Coppée. He is in every way qualified for the place, and I think to strike him from the list proposed would be an ungracious act, and one which the House would not desire to perform, and to replace him by a man who has nothing but his wealth to recommend him.

Professor Coppée has a thorough military training, has been honorably connected with some of our most honored colleges, and is now the president of the Packer University. He has published one of the best text-books we have on logic and rhetoric; he is the historian of General Grant, and his criticisms on the military movements of the army in the late war are the best we have. He is a scholar of high attainments and of great financial ability, and his appointment would be a deserved compliment to his great talent.

Mr. MONROE. I now call the previous question.

The SPEAKER. Does the gentleman call the previous question on the bill and amendments?

Mr. MONROE. At the earnest requests of gentlemen I give my personal consent that a vote should be had upon the amendments.

Mr. RANDALL. Did the committee instruct you to do that?

Mr. MONROE. No; the committee gave me no instructions.

Mr. RANDALL. Then you cannot permit it.

Mr. MONROE. I merely said that I was willing to have votes taken on these amendments.

Mr. G. F. HOAR. Allow me to make a suggestion. Should the House vote down the previous question, and permit amendments to be in order, and the name of any gentleman should be proposed and rejected, it would put him in a very uncomfortable position. But if the House should sustain the previous question it will determine that the House will adopt the recommendations of the committee as a whole. I hope, therefore, that the chairman [Mr. Monroe] will insist upon the previous question upon the bill without amendments.

Mr. MAYNARD. After having debated the matter for half an hour, I think that it is an unkind suggestion.

Mr. RANDALL. I think there is but one safe course for us to pursue in all such matters. We cannot in this House canvass the personal merits or qualifications of individuals. I dare say that Mr. Stewart is a very proper man for the place. But the committee have fully examined the whole question, and have made their report. I think the only safe

course for us to pursue is to adopt the report of the committee.

In regard to Professor Coppée, allow me to say that he is a gentleman I have known for years. He is a professor in the university in which I was partly educated, and is without a superior in science or literature in this country. He would be a very worthy successor to Mr. Agassiz.

Mr. MONROE. I must now call the previous question.

The SPEAKER. Does the gentleman include amendments?

Mr. MONROE. I have given my consent personally. Am I the proper person to decide that question?

The SPEAKER. The only person.

Mr. MONROE. Then I will call for the previous question upon the bill and amendments of the gentleman from Tennessee [Mr. Maynard] and the gentleman from New York, [Mr. Cox.]

The previous question was seconded, and the main question ordered.

The SPEAKER. The gentleman from Tennessee [Mr. Maynard] moves to insert instead of the name of Henry Coppée, of Pennsylvania, the name of Thomas W. Humes, of Tennessee. The gentleman from New York [Mr. Cox] moves, as an amendment to the amendment, to insert instead of the name of Mr. Humes the name of Alexander T. Stewart, of New York. The first question is upon the amendment to the amendment.

The amendment to the amendment was not agreed to.

The question recurring on the amendment of Mr. Maynard, it was not agreed to.

The joint resolution was then ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MONROE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

May 15, 1874.—Mr. DONNAN, from the Committee on Printing, reported back, with the recommendation that it be concurred in, the following concurrent resolution from the Senate:

Resolved, (*the House of Representatives concurring*,) That seventy-five hundred additional copies of the report of the Smithsonian Institution, for the year 1873, be printed for the use of the institution: *Provided*, That the aggregate number of pages of said report shall not exceed four hundred and fifty, and that there be no illustrations except those furnished by the Smithsonian Institution.

Mr. HOLMAN. Does that resolution propose to give all the copies to the Smithsonian Institution?

Mr. DONNAN. I desire to say to the House that this resolution proposes five thousand less than the usual number of copies; but we make no provision for furnishing any copies to members of Congress. The whole number is for the Smithsonian Institution.

Mr. HOLMAN. It seems to me that there ought to be some copies for members of Congress. I think it would be fair not to increase the number, but to divide it up so that a portion shall be distributed by Senators and members of the House.

Mr. DONNAN. This is a Senate resolution and it was believed inasmuch as members of Congress have no means of distributing the documents that they could obtain such copies as they desired for their own use from the institution.

Mr. HOLMAN. I think it would be better to have a small number provided for members of Congress. Most of us are perfectly willing to send them to our constituents. I think one-third of the number should be furnished for the use of members of Congress. What is the number which the resolution proposes to have printed?

Mr. DONNAN. Seventy-five hundred for distribution by the Smithsonian Institution.

Mr. HOLMAN. Seventy-five hundred all together?

Mr. DONNAN. Yes; and the usual number was twelve thousand.

Mr. HOLMAN. Then I would move to amend the resolution so that three thousand copies shall be furnished to the Senate and House; two thousand for the House, and one thousand for the Senate, and that the remaining forty-five hundred shall be for the institution.

Mr. DONNAN. I have no objection to the House voting on that amendment.

Mr. E. R. HOAR. I did not understand whether the motion of the gentleman from Indiana was to add to the number.

Mr. HOLMAN. No; but to divide the number proposed so as to give a portion to the Senate and to the House.

Mr. E. R. HOAR. I desire to say that this number is only what the Smithsonian Institution desires for distribution according to its systems among the libraries and colleges of the country, and for its exchanges. I do not think it would be proper or wise for the House to take away a part of the ordinary number furnished to this institution, for the purpose of distributing this document to favored constituents of members of the House. If members desire copies for

distribution, I think they should add to and not diminish the regular supply to the institution. I move to amend the amendment so that the number proposed for the House and Senate shall be in addition to the number proposed by the resolution.

The amendment to the amendment was agreed to; and the amendment, as amended, was agreed to.

The resolution, as amended, was concurred in.

Mr. DONNAN moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

December 11, 1874.—On motion by Mr. HOOPER, the joint resolution appointing George Bancroft a Regent of the Smithsonian Institution, in place of William T. Sherman, resigned, was taken up, and passed.

January 26, 1875.—Annual report, for the year 1874, laid before the House of Representatives, and ordered to be printed.

February 8, 1875.—Mr. HOAR moved to have additional copies of the report of the Smithsonian Institution printed.

February 24, 1875.—Mr. DONNAN, from the Committee on Printing, reported the following resolution; which was read, and agreed to:

Resolved, (*by the House of Representatives, the Senate concurring*,) That 10,500 copies of the report of the Smithsonian Institution, for the year 1874, be printed; 2,000 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 7,500 for the use of the institution: *Provided*, That the aggregate number of pages of said report shall not exceed 450, and that there shall be no illustrations, except those furnished by the Smithsonian Institution.

March 2, 1875.—Mr. HOAR introduced a bill extending the privileges of the library of Congress to the Regents of the Smithsonian Institution; which was passed.

FORTY-FOURTH CONGRESS.

SENATE, *April* 13, 1876.

Annual report of the Smithsonian Institution for 1875, laid before the Senate.

Mr. HAMLIN moved that extra copies be printed.

April 20, 1876.—Mr. ANTHONY, from the Committee on Printing, reported the following resolution, which was agreed to:

Resolved, (*by the Senate, the House of Representatives concurring*,) That 10,500 copies of the report of the Smithsonian Institution, for the year 1875, be printed; 1,000 copies of which shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 7,500 copies for the use of the Smithsonian Institution: *Provided*, That the aggregate number of pages shall not exceed 450, and that there shall be no illustrations, except those furnished by the Smithsonian Institution.

January 26, 1877.—The PRESIDENT *pro tempore* presented a resolution of the Board of Regents of the Smithsonian Institution, adopted at a meeting held January 24, 1877, asking an appropriation by Congress for the erection of a suitable building, in connection with the present edifice, for the accommodation of additional collections; which was referred to the Committee on Public Buildings and Grounds.

February 6, 1877.—Mr. STEVENSON. I desire to present a memorial from the Regents of the Smithsonian Institution, which I desire to have read. It will be found to refer to a subject in which the entire country must, I am sure, feel a very deep interest.

It is known to the Senate that the Smithsonian Institution was represented at the late Centennial Exhibition at Philadelphia. At the close of that exposition a number of the foreign powers there represented, and who contributed to that grand national display, at its close generously donated to the Smithsonian Institution most of their articles and products there exhibited. A list of the articles donated and the name of the donors accompany this memorial. Among these gifts will be found an exquisite pair of vases valued at some $17,000.

The motive which prompted these donations to the Smithsonian Institution was unquestionably one of amity and respect entertained by the foreign powers donating them for the Government of the United States. But unquestionably these donors expected that this Government would, through the agency of the Smithsonian Institution, keep these articles thus donated on public exhibition, and in this

way the respective products of each country would become known to the people of our entire country.

The articles donated are valuable, rare, varied, and occupy much space. They are all, I believe, now stored in Philadelphia, for the reason that the Smithsonian Institution has no building in which they can be either exhibited or safely preserved. They must remain, therefore, in boxes, subject to injury and to decay, unless Congress shall take some immediate action toward the erection of a building in all respects suitable for their exhibition and preservation. The capacity of such a building is estimated by competent architects to be four times as large as the Smithsonian building. A plan of such a structure has been already drawn by General Meigs. Its estimated cost will not exceed $200,000.

The regents of the institution by this memorial ask Congress to make at once the necessary appropriation. If it be promptly done, a beautiful and capacious building can be put up and finished by the assembling of Congress in December next. Of course, this memorial should go first to the Committee on Public Buildings and Grounds. The prompt erection of the proposed building is a public necessity, which, I hope, will commend itself to the judgment of that committee—and I trust they will at the earliest moment make a report. I submit that the honor and good faith of our country seems to demand and require prompt and liberal action by Congress. That is all I have now to suggest.

Mr. CONKLING. What is the worth of these articles?

Mr. STEVENSON. It is stated in the memorial that the estimated value is a million dollars. I ask that the memorial be now read.

The Secretary read as follows.

To the Senate and House of Representatives of the
United States of America in Congress assembled:

The undersigned, Regents of the Smithsonian Institution, beg leave respectfully to lay before you a question which has suddenly arisen, and which can be solved only by your authority.

In the year 1846, on the organization of the Smithsonian Institution "for the increase and diffusion of knowledge among men," Congress, to the great relief of the Patent Office and other public buildings, devolved upon the regents of that institution the custody of "all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging or hereafter to belong to the United States, which may be in the city of Washington."

In accordance with this enactment the institution has received and carefully preserved all the specimens which have been brought together from more than fifty public exploring expeditions, and has added specimens collected by itself or obtained from foreign museums by exchange, till its present edifice in the beginning of 1876 had become full to overflowing.

By an act bearing date July 31, 1876, additional duties were laid upon the Smithsonian Institution as custodian, and $4,500 were appropriated

"for repairing and fitting up the so-called armory building, on the Mall between Sixth and Seventh streets, and to enable the Smithsonian Institution to store therein and to take care of specimens of the extensive series of the ores of the precious metals, marbles, building stones, coals, and numerous objects of natural history now on exhibition in Philadelphia, including other objects of practical and economical value presented by various foreign governments to the national museum."

As a fruit of this act of the General Government, the Smithsonian Institution finds itself the custodian of enormous collections that had been displayed at the Centennial Exhibition, and on closing of that exhibition had been presented to the United States. These donations are made by individuals among our own citizens, by foreign exhibitors, and by several of the States of the Union; and there is scarcely a power in the civilized world in any region of the globe which has not taken part in the contributions, and some of them with the largest generosity. Men of science most competent to pass judgment pronounce them to be of immense value, and are of opinion that, including the gift from States of the Union and the exhibits of the United States, they could not have been brought together by purchase for less than a million of dollars.

That the magnitude and value of the donations from foreign governments may be manifest, we annex to this memorial a list of the more important of them as prepared by Professor S. F. Baird, who represented the Smithsonian Institution at Philadelphia.

Their adequate exhibition requires an additional building which shall afford at least four times the space furnished by the present edifice of the institution.

The Government of the United States is now in possession of the materials of a museum exhibiting the natural products of our own country associated with those of foreign nations which would rival in magnitude, value, and interest the most celebrated museums of the Old World.

The immediate practical question is: Shall these precious materials be for the most part packed away in boxes, liable to injury and decay, or shall they be exhibited?

It was the act of Congress which ordered the acceptance in trust of these noble gifts to the United States. The receiving of them implies that they will be taken care of in a manner corresponding to the just expectations of those who gave them; and one of the prevailing motives of the donors was that the productions of their several lands might continue to be exhibited. The intrinsic value of the donations is moreover enhanced by the circumstances under which they were made. They came to us in the one hundredth year of our life as a nation, in token of the desire of the governments of the world to manifest their interest in our destiny. This consideration becomes the more pleasing when we bring to mind that these gifts have been received, not exclusively from the great nations of Europe from which we are sprung, or from the empire and republics on our own continent beyond the line, but that they come to us from the oldest abode of civilization on the Nile, from the time-honored empires and kingdoms of the remotest Eastern Asia, and from the principal States which are rising into intellectual and industrial and political greatness in the farthest isles and continent; from States which are younger than ourselves and bring their contributions as a congratulatory offering to their elder brother.

We have deemed it our duty to lay these facts and reflections before both Houses of Congress and to represent to them that, if they, in their wisdom, think that this unequaled accumulation of natural specimens and works interesting to science, the evidence of the good will to us that exists among men, should be placed where it can be seen and studied by the people of our own land and by travelers from abroad, it will be necessary to make an appropriation for the immediate erection of a spacious building. Careful inquiries have been instituted to ascertain the smallest sum which would be adequate to that purpose; and the plan of a convenient structure has been

made by General Meigs, the Quartermaster General United States Army. We beg leave further to represent that to accomplish the purpose there would be need of an appropriation of $250,000. This amount is required not as a first instalment, to be followed by others, but as sufficient entirely to complete the edifice.

Should this appropriation be made at an early day the building could be ready for the reception of articles before the next session of Congress.

M. R. WAITE,
T. W. FERRY,
H. HAMLIN,
J. W. STEVENSON,
A. A. SARGENT,
HIESTER CLYMER,
BENJ. H. HILL,
GEO. W. McCRARY,
PETER PARKER,
ASA GRAY,
GEO. BANCROFT,
Regents of the Smithsonian Institution.

WASHINGTON, *February* 5, 1877.

Mr. MORRILL. I desire to say to the Senate that the Committee on Public Buildings and Grounds have already had the subject before them and would have made a report before this time, but we understood that the same subject was before a committee of the House, where it was being favorably considered. As I have stated in years past, it has seemed to be a necessity that we should provide for a National Museum. It has been the opinion of the Committee on Public Buildings and Grounds on the part of the Senate, I believe unanimously, for some years, that we ought to take all of the squares next east of the public grounds, throughout the length and breadth on the north and south range of one square, taking one square in depth and the whole length, for the purpose of a National Museum and Congressional Library; and evidently this matter should be provided for at once. The National Armory I understand is already filled from basement to top.

Mr. SARGENT. With boxes without any opportunity for display.

Mr. MORRILL. With boxes without any opportunity of displaying their contents: and there are at this time, as I am informed, at least fifty car-loads of articles that have been given to us by foreign governments. Thirty-two or thirty-three out of the forty nationalities abroad have given us their entire exhibits at the Centennial Exhibition. Their money value is scarcely computable, but if it were to be computed it exceeds our own, as large as our exhibits were there and as creditable to the country. Our own, I believe, in money value have been computed at $400,000. These foreign exhibits are computed, at least in money value, at

the sum of $600,000, but in historical and scientific interest they perhaps surpass anything that has been assembled in any national museum on the globe.

I shall, therefore, hope to receive favorable consideration of the report of the Committee on Public Buildings and Grounds at an early day if in the meantime we do not receive a bill from the House on the subject.

Mr. STEVENSON. I now move, Mr. President, that this memorial be referred to the Committee on Public Buildings and Grounds. Allow me to add a single word. I hope that speedy action will be had by both the Senate and the committee. I hope this building will be put on the Smithsonian grounds. There is ample room on that square without the cost of additional ground. Professor Henry assures me that with the erection of the contemplated building on the plan of General Meigs, with the articles now on exhibition in the Smithsonian Institution, with those just donated, we shall have the nucleus of a National Museum which in a few years will equal any in the world.

Mr. SARGENT. Accompanying this memorial is a list of the various articles contributed by different powers, by different exhibitors, and by States of the Union, and I think that if Senators will take the pains to examine that list they will find that articles, rare in their character, of great interest in a scientific point of view and of intrinsic value, have been given to the Government of the United States. To properly display these objects will be to furnish education of the most valuable character to all of our people (and there are millions of them who come here) who visit this capital.

I wish to add my earnest desire that the committee will promptly report a measure that will enable us to open this great educational institution to the people of the United States, to utilize this vast and valuable collection which has been given to us, to show that we receive them from these powers in good faith, and are disposed to show that we properly appreciate the riches which they have placed within our hands.

I move that the list with the memorial be printed, and that they both go to the Committee on Public Buildings and Grounds.

The motion was agreed to.

February 14, 1877.—Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported a bill (S. No. 1252) for the erection of a fire-proof building for the National Museum; which was read by its title.

Mr. MORRILL. Let the bill be read at length. It will take but a moment.

The PRESIDENT *pro tempore*. The bill will be read the second time at length.

The chief clerk read the bill, as follows:

Be it enacted, &c., That for a fire-proof building for the use of the National Museum, three hundred feet square, to be erected under the direction and supervision of the Regents of the Smithsonian Institution, in accordance with the plan of Major General M. C. Meigs, now on file with the Joint Committee of Public Buildings and Grounds, on the southwest corner of the grounds of the Smithsonian Institution, the sum of $250,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said building to be placed west of the Smithsonian Institution, leaving a road-way between it and the latter of not less than thirty feet, with its north front on a line parallel with the north face of the buildings of the Agricultural Department and of the Smithsonian Institution, and all expenditures for the purposes herein mentioned, not including anything for architectural plans, shall be audited by the proper officers of the Treasury Department.

The PRESIDENT *pro tempore*. The bill will be placed on the calendar.

February 22, 1877.—Mr. MORRILL. I ask the Senate to take up a bill that will not take more than three or four minutes in relation to the National Museum. It is rather important that this bill should be acted upon that it may go to the House. The bill is one which has been reported by the action of the joint committee of the two Houses, that is to say, of the committee of the Senate, and the sub-committee of the House, and meets their unanimous approval. I move that the Senate proceed to the consideration of the bill (S. No. 1252) for the erection of a fire-proof building for the National Museum.

The motion was agreed to; and the Senate as in Committee on the Whole, proceeded to consider the bill.

Mr. MORRILL. I shall not occupy any time in an explanation of this bill, for I presume every Senator recognizes the prime necessity there is for it. The bill is so carefully guarded that there will be no danger of any further demand upon the Treasury, and I think it will meet the approbation of all who examine it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

March 1, 1877.—On motion of Mr. Anthony, the House resolution of February 28, to print 10,500 copies of the report of the Institution for 1876, was concurred in.

March 2, 1877.—The Senate having under consideration the Sundry Civil appropriation bill, the next amendment was

in line 486, under the head of "Smithsonian Institution" to increase the appropriation "for preservation and care of the collections of the National Museum" from $13,000 to $25,000.

The amendment was agreed to.

The next amendment was after line 487 to insert:

For expenses of making up into sets for distribution to colleges and academies the duplicate ores, minerals, and objects of natural history now belonging to the United States or in the collections of the international exposition presented to it by foreign governments, $5,000.

The amendment was agreed to.

The next amendment was after line 492 to insert:

For a fire-proof building for the use of the National Museum, three hundred feet square, to be erected under the direction and supervision of the Regents of the Smithsonian Institution, in accordance with the plan of Major General M. C. Meigs, now on file with the Joint Committee of Public Buildings and Grounds, on the southwest corner of the grounds of the Smithsonian Institution, the sum of $250,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated; said building to be placed west of the Smithsonian Institution, leaving a roadway between it and the latter of not less than thirty feet, with its north front on a line parallel with the north face of the buildings of the Agricultural Department and of the Smithsonian Institution; and all expenditures for the purposes herein mentioned, not including anything for architectural plans, shall be audited by the proper officers of the Treasury Department.

Mr. SARGENT. On line 500, after the word "dollars," I move to strike out the words "is hereby appropriated out of any money in the Treasury not otherwise appropriated."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

HOUSE OF REPRESENTATIVES, *December* 14, 1875.

The SPEAKER appointed Mr. Hiester Clymer, of Penn., Mr. Benjamin H. Hill, of Georgia, Mr. George W. McCrary, of Iowa, Regents of the Smithsonian Institution.

April 27, 1876.—On motion of Mr. VANCE, the concurrent resolution of the Senate, for printing extra copies of the report of the Smithsonian Institution, for the year 1875, was taken from the Speaker's table, and referred.

May 24, 1876.—Mr. BALLOU, from the Committee on Printing, reported the Senate resolution of April 20, which was agreed to.

February 2, 1877.—The SPEAKER laid before the House a preamble and resolution from the Board of Regents of the Smithsonian Institution, relative to additional room for the collections of the institution; which was referred to the Committee on Appropriations.

February 7, 1877.—Mr. CLYMER. I ask unanimous consent to present for reference to the Committee on Public Buildings and Grounds a memorial of the Regents of the Smithsonian Institution, and beg permission briefly to explain its import.

It sets forth that many foreign nations, states, and individuals, by whom articles were sent to the centennial exhibition at Philadelphia, have made noble and valuable gifts to the Government of the United States of objects of art, of fire-arms, of mineral and agricultural products, and of artistic and mechanic skill. It may not be disputed that the acceptance of them by the Government imposes an obligation that they shall be preserved and exhibited for the gratification and instruction of the people. Their preservation and exhibition must be confided to the National Museum, of which by law the Regents of the Smithsonian Institution have the custody. They have presented for our consideration the necessity for erecting a suitable building for the purposes I have indicated, giving an estimate of its probable cost. I do not ask that the memorial be printed in the *Record*, as one of like import was presented to the Senate, which will be found in its proceedings of yesterday. I therefore ask its reference to the Committee on Public Buildings and Grounds, and that the accompanying list, setting forth the names of the donors and the character of them, be printed in the *Record* for the information of the House and the country.

Mr. CASEY YOUNG. I will say to the gentleman from Pennsylvania that there is already a bill pending before the Committee on Public Buildings and Grounds, on which a favorable report has been prepared, and we only wait a meeting of the committee to order it to be reported.

Mr. CLYMER. I am delighted to have that information. But it can do the committee no harm to have the memorial referred to it.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to present a memorial of the Regents of the Smithsonian Institution, and to have the same referred to the Committee on Public Buildings and Grounds, not to be brought back on a motion to reconsider. Is there objection?

Mr. CLYMER. I also ask that the list attached to the memorial be printed in the *Record*.

Mr. TOWNSEND, of Pennsylvania. I ask that the memorial itself be printed in the *Record*.

Mr. CLYMER. With the accompanying list.

There was no objection; and the memorial was referred to the Committee on Public Buildings and Grounds, and ordered, with the accompanying list, to be printed in the *Record.*

February 16, 1877.—Annual report of the institution for 1876, presented. Mr. McCrary offered a resolution to print 10,500 extra copies.

February 28, 1877.—Mr. SINGLETON, from the Committee on Printing, reported the following resolution; which was passed:

Resolved, That 10,500 copies of the Report of the Smithsonian Institution, for the year 1876, be printed. 1,000 copies of which shall be for the use of the Senate, 3,000 copies of which shall be for the use of the House of Representatives, and 6,500 for the use of the Smithsonian Institution: *Provided*, That the aggregate number of pages shall not exceed 500, and that there be no illustrations except those furnished by the Smithsonian Institution.

March 3, 1877.—Mr. CLYMER. I ask unanimous consent that the bill (S. No. 1252) for the erection of a fire-proof building for a National Museum be taken from the Speaker's table and passed.

The clerk read the bill, as follows:

Be it enacted, &c., That for a fire-proof building for the use of the National Museum, three hundred feet square, to be erected under the direction and supervision of the Regents of the Smithsonian Institution, in accordance with the plan of Major General M. C. Meigs, now on file with the Joint Committee on Public Buildings and Grounds, on the southwest corner of the grounds of the Smithsonian Institution, the sum of $250,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated; said building to be placed west of the Smithsonian Institution, leaving a road-way between it and the latter of not less than thirty feet, with its north front on a line parallel with the north face of the buildings of the Agricultural Department and of the Smithsonian Institution; and all expenditures for the purposes herein mentioned, not including anything for architectural plans, shall be audited by the proper officers of the Treasury Department.

Mr. THROCKMORTON. I object.

Mr. CLYMER. I move that the rules be suspended and the bill passed, and I ask unanimous consent to make a brief statement in regard to it.

Mr. MILLS. I object.

The question was taken on the motion to suspend the rules and pass the bill; and on a division there were—ayes 71, noes 41; not two-thirds voting in the affirmative.

Mr. CLYMER. I call for tellers.

Tellers were ordered; and Mr. Clymer and Mr. Throckmorton were appointed.

The House divided; and the tellers reported—ayes 106, noes 42.

Mr. VANCE, of Ohio. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 72, not voting 119; as follows:

YEAS—Messrs. Abbott, Adams, John H. Bagley, Jr., Ballou, Banks, Belford, Bell, Blair, Bliss, Bradley, William R. Brown, Horatio C. Burchard, Cannon, Caswell, Caulfield, John B. Clark, Jr., of Missouri, Clymer, Conger, Crapo, Crounse, Cutler, Danford, Davy, Denison, Eames, Evans, Flye, Foster, Freeman, Frye, Garfield, Hale, Hancock, Haralson, Hardenbergh, Benjamin W. Harris, Hathorn, Haymond, Hendee, Henderson, Abram S. Hewitt, Hill, Hoge, Hopkins, Hubbell, Hurlburt, Hyman, Joyce, Kasson, Kelly, Kimball, Lamar, Lynch, Mackey, Magoon, MacDougall, McCrary, Miller, Money, Monroe, Morgan, Nash, O'Brien, O'Neill, Page, William A. Phillips, Platt, Pratt, Purman, Rainey, John Reilly, James B. Reilly, William M. Robbins, Robinson, Rusk, Sampson, Seelye, Sinnickson, Smalls, A. Herr Smith, Stone, Stowell, Strait, Tarbox, Terry, Martin I. Townsend, Washington Townsend, Waddell, John W. Wallace, Watterson, G. Wiley Wells, White, Whitehouse, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James Williams, William B. Williams, James Wilson, Alan Wood, Jr., Woodburn, Woodward, Yeates, and Young—99.

NAYS.—Messrs. Ainsworth, Beebe, Bland, Blount, Boone, Buckner, John H. Caldwell, William P. Caldwell, Campbell, John B. Clarke, of Kentucky, Cochrane, Collins, Culberson, Davis, Durham, Ellis, Felton, Finley, Forney, Fort, Franklin, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, John T. Harris, Harrison, Hartzell, Hatcher, Hays, Hooker, House, Humphreys, Jenks, Thomas L. Jones, Knott, Franklin Landers, George M. Landers, Lawrence, Le Moyne, Levy, Lynde, Meade, Mills, Morrison, Mutchler, Neal, New, Payne, John F. Philips, Poppleton, Rea, Reagan, Rice, Riddle, Miles Ross, Scales, Singleton, Slemons, Southard, Sparks, Springer, Stenger, Stevenson, Thomas, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Charles C. B. Walker, Walling, Warner, Whitthorne, Wike, Jere N. Wiliams, and Benjamin Wilson—72.

NOT VOTING—Messrs. Anderson, Ashe, Atkins, Bagby, George A. Bagley, John H. Baker, William H. Baker, Banning, Bass, Blackburn, Bradford, Bright, John Young Brown, Samuel D. Burchard, Burleigh, Buttz, Cabell, Carr, Cason, Cate, Chapin, Chittenden, Cook, Cowan, Cox, Darrall, De Bolt, Dibrell, Dobbins, Douglas, Dunnell, Durand, Eden, Egbert, Faulkner, Field, Fuller, Gause, Gibson, Robert Hamilton, Henry R. Harris, Hartridge, Henkle, Goldsmith W. Hewitt, Hoar, Holman, Hoskins, Hunter, Hunton, Hurd, Frank Jones, Kehr, King, Lane, Lapham, Leavenworth, Lewis, Lord, Luttrell, Maish, McDill, McFarland, McMahon, Metcalfe, Milliken, Norton, Odell, Oliver, Packer, Phelps, Pierce, Piper, Plaisted, Potter, Powell, John Robbins, Roberts, Sobieski Ross, Savage, Sayler, Schleicher, Schumaker, Sheakley, William E. Smith, Stanton, Stephens, Swann, Teese, Thompson, Thornburgh, Tufts, Van Vorhes, Wait, Waldron, Gilbert C. Walker, Alexander S. Wallace, Walsh, Ward, Warren, Erastus Wells, Wheeler, Whiting, Wigginton, Willard, Willis, Wilshire, and Fernando Wood—119.

So (two-thirds not voting in favor thereof) the rules were not suspended.

DIGEST OF THE ACT OF CONGRESS ESTABLISHING THE SMITHSONIAN INSTITUTION.

Approved August 10, 1846.

By Professor Joseph Henry.

I. The Establishment or Smithsonian Institution Proper.

1. The following persons shall constitute an establishment:
2. Known by the name of the Smithsonian Institution.
3. For the *increase* and *diffusion* of knowledge among men, viz:
4. The President of the U. S. Secretary of the Navy,
   Vice President. Postmaster General,
   Secretary of State, Chief Justice,
   Secretary of the Treasury, Commissioner of Patents,
   Mayor of Washington.
5. And such other persons as may be elected by them honorary members.

II. Meetings of the Establishment.

1. The members and honorary members of said Institution may hold stated and special meetings.
2. At these meetings the President, and in his absence, the Vice President of the United States, shall preside.—*Sec. 8th.*
3. The Secretary of the Board of Regents is also Secretary of the Institution.—*Sec. 3d.*
4. Meetings to be called in manner provided for in by-laws of said Institution.—*Sec. 8th.*

III. Objects of the Meetings of the Institution

1. Supervision of the affairs of the Institution.
2. Advice and instruction of Board of Regents.
3. Election of honorary members.
4. Enactment of by-laws for government of said Institution.—*Sec. 8th.*

IV. Funds of the Institution.

1. The property of James Smithson received into the Treasury on the 1st September, 1838, is declared a loan to the United States at six per cent. per annum from the above date.—*Secs. 2d and 5th.*
2. The interest which accrued up to the 1st of July, 1846, or so much thereof as the Regents may deem necessary, together with the surplus interest of any year, is appropriated to the erection of a *building*, and to *other current incidental expenses.—Secs. 2d and 4th.*
3. The interest on original fund perpetually applied to maintenance of the Institution.—*Sec. 2d.*
4. Principal not to be touched. Accruing and accrued interest to be expended for objects of Institution.—*Secs. 2d and 9th.*
5. Interest payable half-yearly, on 1st January and 1st July, in each year.—*Sec. 2d.*
6. Amount of Smithson's property received into the Treasury on September 1st, 1838, ... $515,169 00
7. Interest on the same to July 1st, 1846, ... 242,129 00
8. Half-yearly interest.—*Sec. 2d.* 15,455 07

V. Board of Regents.

1. Business of the Institution to be conducted by Board, to be called Regents of the Smithsonian Institution, and to be composed of:
2. The *Vice President of U. S.*, *Chief Justice*, and *Mayor of Washington*—in virtue of their office.
3. *Three members of Senate*—appointed by President of Senate:
4. *Three members of the House of Representatives*—appointed by the Speaker biennially, on 4th Wednesday of December:
5. *Six members, other than members of Congress*—appointed by joint resolution.
6. Two of the above to be resident in Washington, and members of the National Institute.
7. The other four from the States, and *no* two from the same State.—*Sec. 3d.*

VI. Regents' Term of Office.

1. *The Vice President*, *Chief Justice*, and *Mayor of Washington*—during their continuance in office.
2. *Members of House of Representatives*—until 4th Wednesday of December, 1847, and to be selected biennially thereafter on said day.
3. *Senators*—during the time they shall hold, without re-election, their office.
4. *Other six members*—two for two years, two for four years, two for six years, to be determined by lot—after first term, those selected shall be for six years, and by joint resolution.—*Sec. 3d.*

VII. Vacancies in Board of Regents.

1. Vacancies among *Senators* and *Members* filled by motion in either House, as in the case of vacancies in committees of either House.
2. The vacancy in the *other six* by joint resolution.—*Sec. 3d.*

VIII. Meetings of Board of Regents.

1. First meeting at Washington, 1st Monday in September, 1846.
2. Subsequent meetings to be regulated by Regents.
3. On application of three Regents it shall be the duty of the Secretary to call special meetings; notices of the same to be given by letter.
4. Five members shall form a quorum.—*Sec. 3d.*

IX. Compensation to Board of Regents.

1. Each member shall be paid his necessary *travelling* and other *actual* expenses in attending meetings of the Board.
2. His services as Regent shall be gratuitous.
3. Expenses to be audited by Executive Committee.
4. And recorded by Secretary.—*Sec. 3d.*

X. Duty of Regents.

1. They shall conduct the business of the Institution.—*Sec. 3d.*
2. May be subject to the supervision, advice, and instruction of the establishment. *Sec. 8th.*
3. Shall hold their meetings in the City of Washington.
4. Shall elect one of their number as Chancellor, who shall be presiding officer of Board, and known by the name of Chancellor of the Smithsonian Institution.
5. Shall also elect a suitable person as Secretary of said Institution, who shall also be Secretary of the Board.—*Sec. 3d.*
6. Shall elect three of their own body as Executive Committee.—*Sec.* 3d.
7. Shall approve of the officers appointed by Secretary.
8. Shall fix salary of officers.

9. Shall select site for building, and sign records of the same.
10. Shall cause to be erected a suitable building.
11. Authorized, by themselves, or by a committee of their members, to contract for such building.
12. Shall deposit duplicates of such contracts with Treasurer of United States.
13. Authorized to employ superintendent of erection of building.
14. The Regents, or Executive Committee, shall certify to Chancellor and Secretary, sums of money required for operations.
15. Shall make an appropriation for a Library, not to exceed $25,000 annually.
16. They shall submit report to Congress.

XI. Duty, &c., of Chancellor.

1. Shall be the presiding officer of the Board.
2. By the name of Chancellor of the Smithsonian Institution.
3. He shall, with the Secretary, examine and certify all requisitions for money, of Executive Committee, for payment at the Treasury.—*Sec. 3d.*
4. He shall certify all copies of metes and bounds of site.—*Sec. 4th.*

XII. Duty, &c., of Secretary.

1. He is Secretary of the Institution, also of the Board of Regents.
2. On application of any three of the Regents, it shall be his duty to appoint a special meeting of the Board of Regents, by giving written notice to each.
3. He shall, with the Chancellor, examine all requisitions for money presented to him by the Executive Committee, and if he approve thereof, shall certify the same to the Treasurer of the U. S. for payment.—*Sec. 3d.*
4. These requisitions may be for: (1) payment of debts; (2) performance of contracts; (3) or making purchases; (4) and executing the objects authorized by this act; (5) for all claims on contracts made by Building Committee.—*Secs. 3d and 5th.*
5. He will record the selection of site, and make copies thereof when required.—*Sec. 4th.*
6. He will file duplicates of contracts for building, &c., with the U. S. Treasurer.—*Sec. 5th.*
7. He shall take charge of the building and property of said Institution.
8. He shall, under direction of Board of Regents, make a fair and accurate record of all their proceedings.
9. He shall discharge the duty of Librarian.
10. Also, of keeper of the museum.
11. He may, by consent of the Regents, *employ assistants.—Sec. 7th.*

XIII. Duty of Executive Committee.

1. To execute acts of Board generally.
2. To examine and certify appropriations necessary to operations of Institution.—*Secs. 3d and 5th.*

XIV. Pay of Officers, and Tenure of Office.

1. Said officers shall receive for their services such sums as may be allowed by the Board of Regents.
2. To be paid semi-annually—on the 1st of January and 1st of July.
3. Removable by the Board of Regents.—*Sec. 7th.*

XV. Disbursements.

1. All moneys required for payment of debts, or performance of con-

tracts, shall be certified by the Board of Regents, or Executive Committee thereof, to the Chancellor and Secretary.
2. They shall examine the same.
3. And, if they shall approve thereof, shall certify the same to the proper officer of the U. S. Treasury for payment.—*Sec. 3d.*

XVI. Reports to Congress.

The Board of Regents shall annually report to Congress an account of the *operations*, *expenditures*, and *condition* of the Institution.—*Sec. 3d.*

XVII. Selection of Site for Institution.

1. After Board of Regents shall have met, and become organized, it shall be their duty forthwith to proceed to select a suitable site, &c.
2. May be taken out of the ground between Patent Office and 7th street: Provided, President, the several Secretaries, and Commissioner of the Patent Office, shall consent to the same.
3. If not, then such location may be made on other of the public grounds in the City of Washington, belonging to U. S., which said Regents may select, by and with the consent of the persons above named.—*Secs. 4th and 5th.*

XVIII. Evidence of Selection.

1. Grounds so selected shall be set out by metes and bounds.
2. Description recorded in a book provided for the purpose.
3. Signed by said Regents, or so many of them as may be convened at the time of organization.
4. Certified copy thereof to be evidence of boundaries, &c.; and said lands are appropriated by said act.—*Sec. 4th.*

XIX. Buildings to be Erected.

1. After selection of site, Board of Regents shall cause to be erected a suitable building.
2. Of plain and durable materials, and structure.
3. Without unnecessary ornament.
4. Of sufficient size.
5. With suitable rooms, or halls, for the reception and arrangement, upon a liberal scale: (1) Of objects of Natural History. (2.) A geological and mineralogical cabinet. (3.) A chemical laboratory. (4.) A library. (5.) A gallery of art. (6.) And the necessary lecture rooms.—*Sec. 5th.*
6. May be made to form wing of Patent Office.

XX. Contracts and Claims for Building.

1. Said Board shall have authority, by themselves, or by a committee of three of their members, to contract for the completion of such building upon plan adopted by Regents.
2. Shall take sufficient security for building and finishing same, according to plan, and in the time stipulated.
3. Duplicates of contracts to be filed with Treasurer of United States.
4. All claims under contracts shall be certified by Board of Regents, or the Executive Committee, and signed by Chancellor and Secretary, and paid at the Treasury of United States.—*Sec. 5th.*

XXI. Cost of Building.

1. The sum was left blank in the act.—*Sec. 5th.*
2. The interest which had accrued previous to 1st September, 1846, minus the current expenses, and the surplus interest of any subsequent year, may be appropriated to this purpose.—*Secs. 2d and 5th.*

XXII. Superintendence of Construction.

1. Board of Regents shall employ such persons as they may deem necessary to superintend the erection of the buildings.
2. And fitting up the rooms of the Institution.—*Sec. 5th.*

XXIII. Protection of Property by Law.

All laws for the protection of public property in Washington, shall apply to, and be in force for, the protection of the lands, buildings, and other property of said Institution.—*Sec. 5th.*

XXIV. Property of James Smithson—How Kept.

1. The minerals, books, manuscripts, and other property of Smithson, shall be removed to said Institution.
2. And kept separate and apart from the other property of the Institution.—*Sec. 6th.*

XXV. Collections, Objects of Art, Specimens, &c.—How Classed, Preserved.

1. In proportion as suitable arrangements can be made for their reception, all objects of art, and of foreign and curious research, and of natural history, plants, geological and mineralogical specimens, belonging to, or hereafter to belong to, United States, which may be in the city of Washington, in whosesoever custody the same may be, shall be delivered to such persons as may be authorized by the Board of Regents to receive them.
2. They shall be arranged in such order, and so classed, as best to facilitate examination and study thereof, in the building aforesaid.
3. Regents may make exchanges of duplicate specimens.
4. And cause new specimens received also to be classed and arranged.—*Sec. 6th.*

XXVI. Provision for Objects not mentioned in the Act.

Managers of the Institution are authorized to make such disposal for the promotion of the purposes of the testator, of all interest which has accrued, or shall hereafter accrue, not otherwise appropriated for carrying out the object of this act, as they may deem best.—*Sec.* 9.

XXVII. Copy Rights to be Deposited.

1. One copy of all books, maps, charts, musical compositions, prints, or engravings, shall be delivered to the Librarian of said Institution within three months from publication.
2. Another copy to Library of Congress.—*Sec. 10th.*

XXVIII. Alterations or Repeal of this Act.

1. Congress retains the right of altering, amending, adding to, or repealing, any provisions of this act.
2. Provided no contract or individual right made or acquired under such provisions shall be thereby divested or impaired.—*Sec. 11th.*

EXTRACTS FROM THE MEMOIRS OF JOHN QUINCY ADAMS.

EDITED BY CHARLES FRANCIS ADAMS.*

JANUARY 9, 1836.

At ten o'clock, or as soon after as I could get out of my house and reach the Capitol, I met the Committee on the President's message relating to the Smithsonian bequest. The members present were Garland, of Virginia, McKennan of Pennsylvania, Pearce, of Rhode Island, Thomas, of Maryland, and Chapin, of New York. The absent members were Garland, of Louisiana, Hannegan, of Indiana, and Speight, of North Carolina, who is still confined by illness. The members now present had got over their scruples with regard to the acceptance of the bequest, and directed me to prepare a report and a bill to that effect. A committee of the Senate, the chairman of which was Benjamin Watkins Leigh, of Virginia, have already reported to that effect, and presented a joint resolution authorizing the President to obtain the funds, and making an appropriation of five thousand dollars to defray the expenses which may thereby be occasioned. Mr. Leigh's report contains a short and satisfactory argument for the competency of Congress to accept the bequest, and showing it to be their duty. But, as money cannot constitutionally be appropriated by resolutions, my direction from the committee is to prepare a bill, and to make the appropriation ten thousand instead of five thousand dollars.

JANUARY 10, 1836.

I called successively upon Mr. Bankhead, Chargé d'Affaires from Great-Britain, and upon Colonel Aspinwall, who is at Fuller's, to inquire if either of them could give me any further information respecting Mr. James Smithson; but they could not. I was desirous of obtaining it for the purpose of introducing into the report of the committee upon his bequest some complimentary notice of the

* Philadelphia, J. B. Lippincott & Co., 1876.

donor. But so little are the feelings of others in unison with mine on this occasion, and so strange is this donation of half a million of dollars for the noblest of purposes, that no one thinks of attributing it to a benevolent motive. Vail intimates in his letter that the man was supposed to be insane. Bankhead thinks he must have had republican propensities; which is probable. Colonel Aspinwall conjectures that Mr. Smithson was an antenuptial son of the first Duke and Duchess of Northumberland, and thus an elder brother of the late Duke, but how he came to have a nephew named Hungerford, son of a brother named Dickinson, and why he made this contingent bequest to the United States of America, no one can tell. The report, if it hazards any reflection upon the subject, must be very guarded. Mr. Bankhead thought it was a fine windfall for the city of Washington, and hoped if a professor of divinity should be wanted we should remember his friend Hawley. Mrs. Bankhead was in admiration of the splendid edifice that might be erected with the money.

Colonel Aspinwall said it would be easy to obtain the information which I desired in England, but that he had made no inquiries at the time when he had procured and forwarded to the Department of State a copy of the will, because the bequest was then contingent, and it was very uncertain whether it would ever take effect. The will was made in 1826—the year before which, the testator's nephew, the present Duke of Northumberland, had been upon a magnificent Embassy Extraordinary at the coronation of Charles the Tenth of France. There seems to have been a determination in the mind of the testator that his estate should in no event go to the Duke of Northumberland or to any of his family. But certainly in the bequest itself there is a high and honorable sentiment of philanthropy, and a glorious testimonial of confidence in the institutions of this Union. A stranger to this country, knowing it only by its history, bearing in his person the blood of the Percys and the Seymours, brother to a nobleman of the highest rank in British heraldry, who fought against the revolution of our independence at Bunker's Hill—that he should be the man to found, at the city of Washington, for the United States of America, an establishment for the increase and diffusion of knowledge among men, is an event in which I see the finger of Providence, compassing great results by incomprehensible means. May the Congress of the Union be deeply impressed with the solemn duties devolving upon them by this trust, and carry it into effect in the fullness of

its spirit, and to the increase and diffusion of knowledge among men!

JANUARY 12, 1836.

I made this morning a draft of a bill to enable the President of the United States to obtain and cause to be remitted to the United States the funds bequeathed to them by James Smithson for the establishment at Washington of an institution for the increase and diffusion of knowledge among men. The committee of the Senate have reported for the same purpose a joint resolution containing an appropriation. I took it as the basis of my draft, but added a section providing that the agent to be appointed should give bonds to the Treasurer of the United States for the faithful performance of his trust and the remittance of all the moneys and other funds that he may receive in fulfillment of the bequest. This labor occupied my time, so that I had none left to journalize.

JANUARY 15, 1836.

I carried round my report on the message relating to the Smithsonian bequest to all the members of the committee excepting Speight, who is yet confined by illness; it was unanimously approved, though Hannegan said he was opposed to accepting the bequest, and Garland, of Louisiana, thought the Chargé d'Affaires or Consul at London should be authorized to procure and remit the funds, instead of a special agent. The other members of the committee approved the bill as well as the report.

JANUARY 16, 1836.

I brought back my report on the Smithson bequest message, to revise and correct the manuscript, feeling no small degree of anxiety concerning it. The occasion is very extraordinary, as an incident in the course of legislation. The reference of the message to a select committee was made not without some murmurings from members of the Committee on the District of Columbia. The report of the committee of the Senate has been very favorably received, and pronounced a very able one, but it does not touch upon any one of the views which occupy nearly the whole of mine. The condition of the testator, the nature of the trust, the character of the trustees, and the practical effect of our political institutions upon the moral feeling of Europe, illustrated by this incident, are not even glanced at in the Senatorial report, written by Benjamin Watkins Leigh. Mine embraces them all. The unanimous accept-

ance of my report by all the members of the committee who attended the committee meetings gives me some encouragement; but, slandered as I now am by hireling snakes of all parties, and in almost every newspaper, I am sure to be reviled for everything that I do or say, and can foresee nothing but censure. Whether this bequest will ever come to anything is much doubted by almost every one. A spurious bastard claimant of the estate is anticipated, and seems to be threatened, from Mr. Daniel Brent's communications about the family of La Batut. The delays and iniquities of the English court of chancery are foreseen and foretold; and questions are made in the public journals whether the whole affair is not an imposture. All this may be; but through all this I look at the whole romance as officially presented to us, and, presuming all to be true, prepared my report accordingly. A heavy responsibility; but so be it.

APRIL 19, 1836.

When the reports from select committees were called, I presented the report and bill from the Committee on the Smithson bequest message, and moved that the bill and report should be printed, and the bill twice read by its title, and referred to the Committee of the Whole on the state of the Union; which was done. Mr. Chapin moved that five thousand extra copies of the report should be printed for the use of the House. This resolution, by the rules of the House, was to lie over one day. Chapin asked for its consideration by unanimous consent now. Objection was made. Chapin asked the suspension of the rules, but the vote was not quite of two-thirds to sustain him.

OCTOBER 14, 1837.

Mr. Cambreleng moved to lay the bill aside and take up the Appropriation bill; which was done. Wise moved to strike out an item of ten thousand dollars for the expenses of Richard Rush's agency in obtaining payment of the Smithsonian bequest. Cambreleng and Joseph R. Ingersoll, who was of his Committee of Ways and Means at the last session of Congress, had attempted to palm upon me the responsibility of proposing this appropriation, which I had flatly refused. Cambreleng was now obliged to propose it himself. Wise's motion did not succeed, but he afterwards moved in the House to reduce the appropriation to five thousand dollars, and succeeded. Cambreleng, as usual, had nothing to say in defense of the appropriation

but that Wise and I had voted for the bill establishing the agency.

JUNE 22, 1838.

Dr. Chapin, President of the Columbian College in the District of Columbia, with Dr. Sherwood, one of the professors of that institution, called on me this morning to speak about the Smithsonian bequest. Mr. Rush has recovered the money—half a million of dollars—and is expected with it here in the course of the next month. Dr. Chapin represented that if this money should be applied to the foundation of a college or university, it must necessarily effect the total destruction of his college.

I told him that after the passage of the act of Congress for procuring the money, I had not permitted myself to think upon the subject till the money should be in the Treasury; that I hoped, however, no disposal of the fund would be made which would in any manner injure the Columbian College; that I did not think the Smithsonian Institution should be a college, or a university, or a school of education for children, but altogether of a different character; that, as the money would come into the hands of the executive, I hoped the President would in his next annual message propose some plan for the adoption of Congress for the disposal of the fund; and I advised Dr. Chapin to see the President and converse with him on the subject—which he said he would.

JUNE 24, 1838.

Attended at St. John's Church. I spoke to President Van Buren, and asked half an hour's conversation with him at six o'clock this evening; to which he acceded. I went to the President's, and, putting into his hand the letter which I have received in duplicate from R. Rush of 15th May, requested him to read it. I then had a conversation of nearly two hours with him upon the Smithsonian bequest, referring to my report, and entreating him to have a plan prepared to recommend to Congress for the foundation of the Institution at the commencement of the next session of Congress. I suggested to him the establishment of an astronomical observatory, with a salary for an astronomer and assistant, for nightly observations and periodical publication; then annual courses of lectures upon the natural, moral, and political sciences; and, above all, no jobbing—no sinecures—no monkish stalls for lazy idlers.

Mr. Van Buren received all this with complacency and apparent concurrence of opinion; said he would look into

my report; wished me at leisure to name any persons who I thought might be usefully consulted; appeared very favorably disposed to the establishment of an observatory, and willing to do right.

I urged upon him the deep responsibility of the nation to the world and to all posterity worthily to fulfil the great object of the testator. I only lament my inability to communicate half the solicitude with which my heart is on this subject full, and the sluggishness with which I shall fail properly to pursue it. If I can but remember to write upon it to L. Cass, and T. Aspinwall, and to converse upon it with Edward Everett and the Winthrops.

NOVEMBER 29, 1838.

I paid a morning visit to President Martin Van Buren, whom I found alone in his cabinet, the east chamber of the presidential house. Half an hour's conversation with him—chiefly on the disposal of the Smithsonian bequest. I referred to my conversation with him before my departure hence last summer, to the letter I received afterwards from the Secretary of State, Forsyth, and to my two letters to him in answer to it. He had not seen my letters, but had on his table copies of them, and of a report from Mr. Rush, and of a letter from President Wayland, of Brown University of Providence; all which, he said, had been sent to him this morning from the Department of State, and none of which he had yet read. With regard to the disposal of the fund he would leave it entirely to Congress to make provision for it.

I recurred to some of the remarks in my letters to Mr. Forsyth recommending the establishment of an astronomical observatory. He said he had found this idea of an observatory favorably received by all to whom he had mentioned it. He spoke in high commendation of Mr. Rush for his ability in obtaining the money from the court of chancery, and said that he had recommended his appointment.

Evening visit from Mr. Woodbury, the Secretary of the Treasury. He invited me to dine with him next Saturday, with the President and some of the foreign Ministers. I accepted the invitation. But the dining of the President with the heads of Departments and foreign Ministers is a novelty introduced by Mr. Van Buren, and of which I believe there is no example by any of his predecessors.

Mr. Woodbury spoke about the disposal of the funds of the Smithsonian bequest, and gratified me much by the

statement that the whole fund is now invested at an interest of six per cent. a year; that the principal sum received is about five hundred and eight thousand dollars, and that it will yield upwards of thirty thousand dollars a year. He said, further, that a question had occurred whether the expenses occasioned by the recovery of the money were to be deducted from the fund itself or to be paid by the public; and the Attorney General had just given an opinion that no deduction from the fund should be made.

I told Mr. Woodbury that I was delighted to hear this; and I urged most earnestly upon him, as I had done this morning upon the President, the duty of this Government, to the honor of the nation and to the testator, to keep this fund entire and unimpaired, and to devote its annual proceeds to the generous and glorious object to which it was devoted by him—to no purpose of common education, to no school, college, university, or seminary of learning, but to the increase and diffusion of knowledge among men.

Mr. Woodbury appeared to concur in these views, and I have a faint hope that the fund may be so managed as to produce some useful result.

DECEMBER 8, 1838.

Mr. Poinsett spoke to me of the exploring expedition, which, he rejoiced to say, was departed upon its enterprise, and he hoped we should ere long have a good account of it. He spoke also of the Smithsonian bequest, and declared himself warmly in favor of appropriations for an observatory upon the largest and most liberal foundation from it. But he gave several intimations from which I could draw no good augury. 1. He said the President had not made up his mind in favor of an observatory; whence I infer that he will ostensibly neither favor or oppose it, but that he will underhandedly defeat it, taking care to incur no personal responsibility for its failure. 2. He insisted that a salary of eighteen hundred dollars a year would not be near enough for the astronomer; whence I infer that jobbing for favorites is to be the destiny of the Smithsonian fund. And, 3. He said that among the scientific men whom the President had consulted for the disposal of the fund was the English atheist South Carolina professor, Thomas Cooper, a man whose very breath is pestilential to every good purpose.

DECEMBER 10, 1838.

In the House, two messages were received from the President, with a large mass of documents, relating to the

Smithsonian bequest; which were, at my motion, all ordered to be printed, and referred to a select committee of nine members.

JANUARY 4, 1839.

Met at half-past ten this morning, at the chamber of the Committee of Manufactures, the select committee on the Smithsonian bequest. Present, Adams, F. O. J. Smith, of Maine, Charles Ogle, of Pennsylvania, Charles Shepard, of North Carolina, John P. Kennedy, of Maryland, and James Garland of Virginia; absent, Orrin Holt, of Connecticut, Waddy Thompson, of South Carolina, and William H. Hunter, of Ohio. I had yesterday personally notified all the members to attend this meeting, except Hunter, who was not in the House. Holt told me that he was engaged on the great land committee; and Thompson promised to come, but forgot it. The references to the committee were the two messages of the President with documents 10 and 11 of the present session; a memorial from Charles Lewis Fleischmann, a Bavarian, but now a citizen of the United States, and attached to the Patent Office, who purposes the establishment of an agricultural institution and farm school, at the cost of about three hundred thousand dollars; a memorial of Walter R. Johnson, praying for the establishment of an institution for prosecuting experiments in certain physical sciences; and a petition from Samuel Martin, of Campbell's Station, Tennessee, who, with much other matter prays that the Smithsonian fund may be applied to the instruction of females. I submitted also to the committee a printed paper, signed "Franklin," proposing the establishment of professorships and various courses of lectures. I read the two messages of the President and the circular of 18th July, 1838, from John Forsyth, Secretary of State, asking for opinions concerning the disposal of the fund, and stated the substance of my two letters in answer to Mr. Forsyth. I read also the act of 1st July, 1836, accepting the bequest and pledging the faith of the United States to its application conformably to the direction of the testator.

There was some desultory conversation, and Mr. Garland moved an adjournment till next Tuesday at ten o'clock, for a fuller meeting of the committee: which was agreed to.

JANUARY 5, 1839.

I rode to the Capitol shortly before the meeting of the House, to make arrangements for keeping minutes of the proceedings of the Smithsonian Bequest Committee—a work

with which I proceed with a heavy heart, from a presentiment that this noble and most munificent donation will be filtered to nothing, and wasted upon hungry and worthless political jackals.

Just after dinner I had a long visit from Dr. Chapin, the President of the Columbian College, who came to ascertain if the college could obtain any assistance from the Smithsonian fund. His wish seemed to be that the Government should take the college under its own charge, as an appendage to the Smithsonian Institution. I said that, without knowing what were the views of others, mine were that no part of the Smithsonian fund should be applied to any school, college, university, or seminary of education; but that, equal care should be taken to avoid doing any injury whatever to any such institution. He said the condition of the college at present was such that unless it could receive assistance from some quarter it must go down and its concerns must be closed. They had been several years struggling to raise a subscription from the Baptists throughout the United States to pay the debt of the college; but in accomplishing this they had failed. There had been a project for transferring the whole concern to Richmond, Virginia, where there was already a flourishing Baptist school; but the principal difficulty in the way of that was that it might forfeit the subscriptions which they had obtained to pay the debts here.

I said that if the Faculty thought there was any prospect of their obtaining anything from the Smithsonian fund, they might apply to the President of the United States, or to any other member of the committee; and if there should be any disposition in Congress to aid the college from the fund, I would immediately withdraw from the committee and leave the whole arrangement to be made by others. As I deprecated above all things the application of the funds to purposes for the benefit of individuals, I had determined at least to be disinterested myself, and would in no shape or form receive one dollar of the fund to myself. And as the principal debt of the Columbian College was to me, I could be instrumental to no arrangement which would result in the payment of the college debt from the Smithsonian fund.

He said he had conversed with Professor Ruggles on the subject. They were aware that there was some delicacy in my position with regard to the college debt; but they had ample means for the payment of their debt, as preliminary to the receiving any assistance from the Government.

I said that, at all events, it was a subject in which I could have no agency, though if they should obtain encouragement to their wishes from the President, or in Congress, I would cheerfully withdraw from the committee.

The Doctor asked if I should be willing to receive any further communication from him upon the subject.

I said, certainly, with pleasure, and with the best disposition to do anything useful to the college in my power. I gave him printed copies of the two messages of the President to the Congress on this subject at the present session.

January 8, 1839.

At ten I met the Smithsonian Bequest Committee. Present, Adams, Smith, Charles Shepard, Thompson, Ogle, Holt, and Kennedy; absent, Garland, of Virginia, and Hunter of Ohio. There was more desultory conversation, and some question made as to a boasting passage or two in one of Mr. Rush's letters, that he had avoided giving too much publicity to the notice for illegitimate children of James Hungerford, the first devisee of the whole property. Rush had been bitterly assailed in the Gazette of the United States for this, and Thompson expressed some suspicion of unfairness in the transaction, which would vitiate the whole procedure, and so taint it that he would not consent under it to take a dollar of the money. But the decree of the Master of the Rolls was read; and the report of the Master to whom it had been referred, explicitly and positively declared that Hungerford died without issue, legitimate or illegitimate; and Mr. Thompson waived all objection to further proceeding.

The Chairman of the committee was instructed to move in the House that the memorial of Charles Lewis Fleischmann, presented at this session and referred to this committee, should be printed, and the drawings accompanying it lithographed for the use of the House; and also to prepare a bill vesting the whole Smithsonian fund in the Treasury of the United States, pledging their faith to be responsible for it, and for the payment of the yearly interest upon it at six per cent. Adjourned to next Tuesday.

January 15, 1839.

Meeting of the Smithsonian Committee. Present, Adams, Thompson, Kennedy, Hunter. No quorum. Thompson made objections to Mr. Rush's proceedings to recover the fund. The joint resolution constituting a joint committee

supersedes the authority of the separate committee of the House.

JANUARY 26, 1839.

Meeting of joint Smithsonian Committee, Present, Senators, Robbins, Preston, Benton, Southard; of the House, Adams, Garland, Thompson, Hunter of Ohio, Charles Shepard. Robbins presents his project. I offer three resolutions. Thompson makes a question upon the acceptance of the money, on the ground of fraud upon the English court of chancery in obtaining the money. Committee agreed to meet on Wednesdays and Saturdays at ten o'clock; to move the house to print Mr. Robbins' papers and my resolutions, and a joint resolution authorizing the committee to employ a clerk to print necessary papers. H. R. U. S. Call for reports from committees. I move the printing of the papers from the joint committee, and also the joint resolution authorizing the committee to employ a clerk and to print the necessary papers; adopted without opposition.

FEBRUARY 6, 1839.

Meeting of the joint Smithson Committee. I offered five resolutions against the appropriation of any part of the fund to any institute of education. Very little discussed. Mr. Robbins is to report a bill constituting a board of trustees, on commission to report a plan for the application of the fund to the next Congress.

MARCH 25, 1839.

Called on the Secretary of the Treasury at his office in the new Treasury building. I spoke to Mr. Woodbury of the Smithsonian fund; told him what had been done with relation to it in Congress, and what had not been done; how the two messages of the President on the subject had been referred to a select committee of nine, of which I had been the chairman; how Asher Robbins, a Senator from Rhode Island, being laid politically on the shelf by his constituents, had taken a fancy to this fund for the comfort and support of his old age, and projected a university, of which he was to be the Rector Magnificus. So he made an elegant literary speech in the Senate, and moved for a joint committee, seven from the Senate. The House concurred, and the Speaker appointed the same committee of nine that he had appointed before to join the committee of the Senate. There were several meetings of the joint committee; scarcely ever a quorum of the Senate's committee, but they gave carte blanche to their chairman. He prepared his bill for

nine trustees—three chosen by each House, and three by the President—to sit during the recess, and prepare a plan, to be submitted to Congress at the next session, for a corporation, of which the same trustees were to form a part. I had offered resolutions against all this, which the committee of the House adopted, and I prepared a bill conformably to my own plan. By way of compromise it was agreed that both committees should report both bills; which was done. I never called either of them up in the House, for I knew it would be in vain. Robbins attempted to get up his bill in the Senate but could not carry it through. I left copies of both bills, of my resolutions, and of Robbins' propositions, with Mr. Woodbury, requesting him to consider them, and inviting his views concerning them—telling him that I should, if able to take my seat at the next session of Congress, resume the subject, in which I felt an interest more intense than in anything else before that body. I told him that before leaving this place I intended to see and speak again with the President concerning it.

Mr. Woodbury promised to give his attention to the subject and to speak of it also to the President. But he told me that in the general appropriation bill ten thousand dollars had been taken from this fund to pay for the expenses and charges of procuring the money. Cambreleng swindled this into the bill without my knowledge, and it crept through both Houses unobserved. I shamed him out of it last year, and I believe he did it now to spite me. The Attorney General had given an opinion against it. I am deeply mortified not to have detected this dirty trick.

April 8, 1839.

I had some conversation with Mr. Grundy, and afterwards with Mr. Poinsett, on the Smithsonian fund bills.

October 26, 1839.

I have chosen the Smithsonian bequest as my subject for a lecture to the Quincy Lyceum, which I last Wednesday promised Mr. John A. Green, now its President, to deliver, "Deo adjuvante," on Wednesday, the 20th of next month. This subject weighs deeply upon my mind. The private interests and sordid passions into which that fund has already fallen fill me with anxiety and apprehensions that it will be squandered upon cormorants or wasted in electioneering bribery. The apparent total indifference of Mr. Van Buren to the disposal of the money, with his *general* professions of disposition to aid me; the assentation of all the heads of

Departments, without a particle of assistance from any one of them, excepting the Attorney General, Grundy, whose favorable opinion Cambreleng, at the last session, contrived to nullify; the opposition, open and disguised, of Calhoun, Preston, and Waddy Thompson, even to the establishment of the Institution in any form; the utter prostration of all public spirit in the Senate, proved by the encouragement which they gave to the mean and selfish project of Asher Robbins to make a university, for him to be placed at the head of it; the investment of the whole fund, more than half a million of dollars, in Arkansas and Michigan State stocks; and the dirty trick of filching the ten thousand dollars from the fund last winter to pay for the charges of procuring it—are all so utterly discouraging that I despair of effecting anything for the honor of the country, or even to accomplish the purpose of the bequest—the increase and diffusion of knowledge among men. It is hard to toil through life for a great purpose with a conviction that it will be in vain; but possibly, seed now sown my bring forth some good fruit hereafter. In my report of January, 1836, I laid down all the general principles upon which the fund should have been accepted and administered. I was then wholly successful; my bill passed without opposition, and under its provisions the money was procured and deposited in the Treasury in gold. If I cannot prevent the disgrace of the country by the failure of the testator's intention, by making it the subject of a lecture, I can leave a record for future time of what I have done. and what I would have done, to accomplish the great design, if executed well. And let not the supplication to the Author of all good be wanting.

OCTOBER 29, 1839.

Fine autumnal day. My address on the Smithsonian bequest, in preparation for the Quincy Lyceum, as usual grows upon me as I proceed, and I fear I shall not be able to include the subject, as I propose to discuss it, in one lecture. My main object must be to prepare for action upon it at the approaching session of Congress, and to gather facts and arguments for a last effort to save the fund from misapplication, dilapidation and waste.

DECEMBER 27, 1839.

The House had been ten minutes in session when I reached the hall. I gave notice that I would, next Monday, ask leave to introduce a bill for the disposal of the Smithsonian bequest fund. I went to the Speaker's chair, and told

him that my bill was in substance that which had been unanimously reported by the committee of the House at the last session, and that I should move its reference to a select committee now. He asked me to name to him members whom I should wish to have on the committee. The House got into a snarl about the numbers of the President's message to be printed, and finally, upon a motion of reconsideration by Waddy Thompson, between three and four, adjourned.

DECEMBER 30, 1839.

I introduced my bill concerning the Smithsonian bequest, which was read twice, and referred to a select committee of nine. The Speaker told me he meant to put Dixon H. Lewis upon the committee.

JANUARY 13, 1840.

Mr. Hassler paid me a visit. He is yet employed, under the direction of the Secretary of the Treasury, upon the survey of the coast, and upon the construction of weights and measures for use in the different States. But I found him much disposed to take hold of the Smithsonian bequest; to which I gave no encouragement. His plan was for the establishment of an astronomical school before the erection of an observatory. At the head of this astronomical school he would naturally find his place, and would contrive to absorb the whole fund in the management of it. I promised again to visit his establishment here, and asked him for information of the prices of the astronomical instruments which he purchased for the United States Government at London in 1815, and concerning some of the principal astronomers, and astronomical establishments, and makers of astronomical instruments, in Europe at this time.

JANUARY 15, 1840.

At half-past ten this morning the Committee on the Smithsonian Bequest bill met in the chamber of the Committee of Manufactures. Present, Adams, Ogle, Shepard, Garland, of Virginia, Albert Smith, Barnard, and Corwin; absent, Lewis, of Alabama, who, by accident, was not notified, and Campbell, of South Carolina, who came in after the meeting adjourned, having been engaged in the Committee of Elections. The bill was read. I proposed that the chairman should be authorized to prepare a report to be submitted to the committee, containing a review of what had been hitherto done by Congress on the subject, and a brief

exposition of the reasons for the several provisions proposed by the bill. I proposed also that when it should become necessary I should ask the permission of the House to employ a clerk, and to employ George Sweeney; and that when the report was ready I shall call another meeting of the committee; all of which was agreed to unâ voce.

FEBRUARY 8, 1840.

I inquired of the Secretary of the Treasury what was the present condition of the Smithsonian fund. He said the interest upon the Arkansas and Michigan bonds had been regularly paid, and reinvested in Michigan bonds, which had been purchased at seventy-five per cent. He said the Secretaries of War and of the Navy had been much annoyed to obtain payment of the interest, to enable them to pay the Indian annuities and navy pensions.

FEBRUARY 20, 1840.

I finished this morning the draft of a report on the Smithsonian Bequest bill, to be submitted to the committee, and left it with Mr. D. D. Barnard, at his lodgings. I have requested him to read it, and to suggest any alterations, additions, or omissions which may occur to him as advisable, before I presented it to the committee.

FEBRUARY 26, 1840.

The Smithsonian Bequest Bill Committee met at the chamber of the Committee of Manufactures, at ten o'clock. Present, Adams, Shepard, Garland, Barnard, Corwin, and Lewis; absent, Ogle, Smith of Maine, and Campbell of South Carolina, who is sick, confined to his chamber, and was not notified. I presented my report, of which I briefly stated the contents. The committee authorized me to present it to the House, and move it be printed. The additional sections and the estimates were read, and authority was given me to report them with the bill; also the messages of 6th and 7th December, 1838, and any other document, at my discretion.

Dixon H. Lewis proposed to report a counter-project for the establishment of an agricultural school on Fleischmann's plan. It was agreed that he should present to the House his counter-project at his leisure, and that it should also be printed. Lewis declared his aversion to the acceptance of the bequest, which he said only gave trouble to Congress, by diverting their attention and consuming their time upon subjects not suitable for their legislation. He asked again

that a motion might be made to have Fleischmann's memorial at the last session of Congress reprinted; which was agreed to.

FEBRUARY 27, 1840.

In the House, Crabb, of Alabama, had the floor on the New Jersey election debate. I asked him to allow me to present a report and documents from the Smithsonian Bequest Committee. He said that with the general consent of the House, if no objection were made, he would readily yield me the floor for that purpose. Turney of Tennessee, objected, and I could not report my bill.

MARCH 5, 1840.

I presented from the Committee of the Smithsonian Bequest bill, an amended bill, with the report which I had prepared, and sundry documents, including the messages of December, 1835, and of 6th and 7th December, 1838, and my report of January, 1836; also an estimate of the expense of erecting and establishing an astronomical observatory. I stated also that a member of the committee, Dixon H. Lewis, would prepare a minority report, which the committee proposed should also be printed, together with the memorial of Charles Lewis Fleischmann, presented at the last session of Congress and then printed. James Monroe proposed that five thousand extra copies of my report should be printed; but the Speaker said it was not now in order, and *No* was heard from several voices. I am convinced that nothing good can be done upon this subject by this Congress.

APRIL 8, 1840.

At the National Intelligencer office, and, neither of the editors being there, I left a copy of my report on the Smithsonian Bequest bill to be published in the paper.

APRIL 14, 1840.

Morning visit from Mr. Stone the engraver, and Mr. Jäger, a German, native of Vienna, now professor of botany and zoology at the college of Princeton. We had an easy conversation of upwards of an hour, in which the Professor expressed the opinion that too much time was devoted at our colleges and universities to the study of Greek and Latin. He spoke rather slightingly of Prince Galitzin, and of the late Emperor Alexander, as infected with bigotry from excessive reverence for the Bible, which he said was the disposition of all the Galitzins he had ever known. I

could not but surmise that Mr. Jäger was a free-thinker of the German school, and had a negative quantity of reverence for the Bible, equal at least to the superfluity of it in the Galitzins; that this had rendered the residence of St. Petersburg inconvenient to him, and brought him to this country. This may be mere conjuncture; but I have invariably found that a light estimate of the study of Greek and Latin and an irreverent estimate of the Bible are inseparable companions. I see the same current of opinions in Professor Dunglison's two articles in the Southern Messenger, upon the Smithsonian bequest. Of Dunglison, imported from Scotland by Jefferson, for his university of Virginia, this might be expected; but how this Professor Jäger should have got squeezed into the super-orthodox college at Princeton gives me pause.

MAY 10, 1840.

I observed to Mr. Gales that he had not yet published my report on the Smithsonian bequest. He said the difficulty was that it would occupy from twelve to fourteen columns of the paper; but it should be published as soon as possible.

MAY 19, 1840.

I rode to the Capitol, and stopped on my way at the office of the National Intelligencer. Mr. Gales said he should begin the publication of the Smithsonian report to-morrow.

MAY 23, 1840.

I called at the Intelligencer office, and asked of Mr. Gales half a dozen copies of this day's paper, containing my speech on the 8th instant, and of the country paper of last Tuesday, containing my last report on the Smithsonian bequest. Gales said he had already received comments on the latter. I asked him from whom. He said he could not tell me till I had seen them.

APRIL 14, 1841.

Mr. Poinsett called upon me, and now fully disclosed his project, which is to place the investment and disposal of the Smithsonian funds under the management of the American [National] Institution for the Promotion of Literature and Science. He concurs entirely in my views of confining the appropriations to the annual interest, leaving the principal unimpaired, and of making the first appropriations for the establishment of an astronomical observatory. But he did not approve of leaving the selection of the spot to the Secretary of

the Treasury, and thought the hill opposite Analostan Island objectionable on account of its exposure to fogs, from its proximity to the river. He spoke of two or three other places between Meridian Hill and the President's House, with some remarks on each spot worthy of consideration. He said he had at present no other occupation on hand, and would be willing to devote two years entirely to organizing this establishment and getting it into full operation. I know not that it could be accomplished more effectively, and think I must acquiesce in this arrangement and endeavor to carry it through. The chief obstacle, however, will now be to extricate the funds from the fangs of the State of Arkansas. Mr. Poinsett thought that they paid the interest upon the bonds punctually; but the law requires that the interest should, when paid, be immediately reinvested in State stocks; and I struggled in vain at the last session of Congress to obtain a repeal of that law. Mr. Poinsett said he was now going in a very few days to South Carolina, but should soon return here.

April 17, 1841.

I should have mentioned that yesterday morning I visited Mr. Poinsett and took leave of him previous to his departure for Charleston, South Carolina. I inquired when he proposed to return here, and understood him to say not till next winter; but then he comes for two years, to preside over the National Institution for the Promotion of Science; and, as he expressed a wish that the Smithsonian fund might be connected with that Institution and placed under its management, I requested him to take the bill reported to the House with my report of 5th March, 1840, and prepare any amendment to it which would carry out his views, and send it to me before the approaching session of Congress; which he said would do.

April 18, 1841.

I borrowed from the occupations of the week the morning hours, to finish a letter to Thomas Ewing, Secretary of the Treasury, concerning the Smithsonian Fund, its investment, and its application. It involves the condition of the Navy Pension Fund, the State debts, the public lands, Indian treaties and trusts, and the whole system of administration of the finances, revenues, receipts, and expenditures of the nation. I present it only so far as concerns the Smithsonian Fund and projected Institution.

APRIL 19, 1840.

I took my letter and pamphlets relating to the Smithsonian Fund to the Secretary of the Treasury, and left them with him, with an earnest request that he would lay the subject before the President.

JUNE 4, 1841.

I paid a visit to the Acting President, John Tyler, and had a conversation with him upon the condition and prospects of the Smithsonian Fund. The Secretary of the Treasury, Ewing, has not communicated to him my letter of the 19th April last, nor the report, nor any of the documents which I sent him with it.

SEPTEMBER 10, 1841.

The committee took up the amendments of the Senate to the Smithsonian fund bill, with which the House, at my motion, agreed; and so the bill has gone through both Houses.

SEPTEMBER 16, 1841.

I called twice this day at the Department of State. The first time the Secretary, Webster, was not at the office; so I passed over to the Treasury Department, and saw Mr. Walter Forward, the new Secretary. I spoke to him upon two subjects. 1. The Smithsonian fund, of the history of which he is ignorant, and, from the civil, courteous, and wholly indifferent manner in which he received my communications, I presume he will care just as little as did his predecessors, Ewing and Woodbury. I told him what I had done, and what I propose to do; and he promised to send me a statement of the present condition of the fund, and the amount of the stocks of the several States which have been purchased under the authority of the sixth section of the West Point Academy appropriation of 1838. And, 2, I spoke on the resolution of the House, adopted at my motion on the 23d of July last, calling on the Secretary of the Treasury for a report upon the debts of the several States.

Mr. Forward appeared not to have heard or not to have thought of that resolution; but he said he would attend to it, and that he would write to the Secretaries of the several States, to collect the information.

SEPTEMBER 18, 1841.

My next call was at the Treasury Department, where I

requested of the Secretary, Forward, a more particular statement of the State stocks in which the Smithsonian funds, principal and interest, have been invested.

I spoke to Mr. Tyler about the Smithsonian fund and the debts of the States. There are now six hundred and twenty thousand dollars invested in State stocks bearing an interest of six per cent. a year, payable half-yearly. I told him I had at length succeeded in two measures at the recent session of Congress—one by introducing into the bill for distributing the proceeds of the sales of the public lands, the fourth section, whereby the portion coming at any time to any State shall be first applied to the payment of any debt, principal or interest, from the State to the United States; and the other by the repeal of the sixth section of the West Point appropriation act of 7th July, 1838, which requires the investment of the accruing interest in State stocks, and substituting the investment of them in stocks of the United States—though this has been attended, much against my will, with authority to the Secretary of the Treasury to reduce the interest from six per cent. a year, which the State bonds now bear, to not less than five. The Secretary of the Treasury has obtained one million, or a million and a half, of the twelve-million loan authorized at the recent session of Congress, at five and a half per cent.; but he wants already two millions more, and has no prospect of obtaining them at a rate lower than six per cent., if at that; and I said if there should be an investment of the next semi-annual interest I hoped it would not be taken at a lower rate of interest than six per cent. But I was extremely anxious that the United States should not assume, but resume, the whole responsibility of that fund, and look themselves to the States for their punctuality of payment.

Mr. Tyler, in general terms, approved of these observations, and assured me that he would co-operate cordially with me for the faithful application of these funds to the purposes of the testator. He said he had my letter to the late Secretary Ewing, and had read it.

I spoke also of the call of the House on the Secretary of the Treasury for a report on the State debts, and gave him some of my views upon that deeply interesting public concern.

He certainly did not concur with them; neither did he controvert them. When I suggested to him the certainty that the European Governments will ultimately hold the United States responsible for these State debts, he looked grave, but made no remark.

JANUARY 10, 1842.

I notified the members of the Committee on the Smithsonian bequest to meet Wednesday morning.

JANUARY 12, 1842.

I was obliged to go to attend at eleven the first meeting of the select Committee on the Smithsonian bequest, in the chamber of the Committee of Foreign Relations. Present, Adams, Habersham, Truman Smith, Underwood, Benjamin Randall, and Charles J. Ingersoll; absent, Hunter, Houston, and Bowne, the last of whom I had not been able personally to notify, he having been yesterday and the day before detained from the House by indisposition. I read the commission of the members, the reference to the Committee of the part of the President's message relating to the Smithsonian fund, and that part of the message itself. After much desultory conversation, the committee agreed to meet next Wednesday morning at ten o'clock.

JANUARY 14, 1842.

I called this morning at the Department of the Treasury, and requested of the Secretary a statement of the present condition of the Smithsonian fund, and copies of the State bonds in which it has been invested, for the information of the committee to which the subject has been referred by the House. I inquired also when the report upon the debts of the States, called for by resolution of the House, might be expected.

He said he had written to the Governors of the several States, and had received answers from some and not from others. The answers from the heaviest States were received; and he directed the Chief Clerk, McClintock Young, to write again to the States whence there are as yet no answers.

JANUARY 19, 1842.

Meeting of the select Committee on the Smithsonian bequest, in the chamber of the Committee of Foreign Relations. Present, Adams, Habersham, Underwood, Randall, C. J. Ingersoll, Houston, and Bowne; absent, Truman Smith, and Hunter. I had found in the chamber of the committee of manufactures the book containing the minutes of the proceedings of the former committees on this subject, the last entry upon which was of 15th January, 1840. My report of that committee, with an amended bill to incorporate the trustees of the fund, was made on the 5th of

March, 1840, since which nothing has been done by Congress concerning it. The bill No. 1 of the House bills remained on the calendar through the whole remainder of the Twenty-Sixth Congress's first and second sessions, and was never reached in the ordinary business of the House. There was no committee appointed at the second session, none at the late special session, first of the Twenty-Seventh Congress, and in the mean time the funds invested in bonds of the State of Arkansas have depreciated at least fifty per cent. I now stated to the committee that I had called upon the Secretary of the Treasury for a statement of the present condition of the fund, which he had promised but had not yet furnished me. I recapitulated again the proceedings of the former committees, and gave copies of my last report to those members of the committee who desired them.

Habersham presented a letter from James F. Espy, proposing that a portion of the fund should be appropriated for simultaneous meteorological observations all over the Union, with him for central national meteorologist, stationed at Washington with a comfortable salary.

JANUARY 26, 1842.

Attended this morning the Committee on the Smithsonian bequest. Present, Adams, Underwood, Houston, Randall, and Truman Smith. The documents requested from the Secretary of the Treasury had not been received. The committee sat about half an hour, and then adjourned; after which Mr. Habersham came in. Absent, Charles J. Ingersoll, Hunter, and Bowne. I am convinced that nothing will be done of any use by this committee.

FEBRUARY 2, 1842.

Meeting of the Committee on the Smithsonian bequest, Present, Adams, Smith, Habersham, Randall, Underwood; absent, C. J. Ingersoll, Hunter, Houston, and Bowne. A letter from Franklin Knight to R. W. Habersham was read, with a project for applying the Smithsonian fund to the establishment and support of a farm school—D. H. Lewis's plan.

FEBRUARY 9, 1842.

I attended the meeting of the Committee on the Smithsonian bequest. Present, Adams, Underwood, Habersham, Smith; absent, C. J. Ingersoll, Randall, Houston, Bowne, and Hunter. No quorum, and nothing could be done. My time, night and day, has been, and yet is, so absorbed for

my own defence that I can attend to nothing else. Mr. Smith said that he should not be here at the next weekly meeting, being obliged to go home to Connecticut on business.

FEBRUARY 16, 1842.

Committee on the Smithsonian bequest. Adams, Habersham, Underwood, Randall—no quorum. No report yet from the Secretary of the Treasury on the present condition of the funds.

FEBRUARY 23, 1842.

Committee on the Smithsonian bequest. Present, Adams, Underwood, Habersham—no quorum.

MARCH 2, 1842.

Committee on the Smithsonian bequest. Present, Adams, Underwood, Randall—no quorum.

MARCH 9, 1842.

Weekly meeting of the Committee on the Smithsonian bequest. Present, Adams and Truman Smith. Habersham was in an adjoining committee room. No quorum.

MARCH 19, 1842.

The meeting of the Committee on the Smithsonian bequest was fixed for ten this morning, but it was eleven when I reached the chamber of the committee, and found there Underwood, Habersham, Truman Smith, Benjamin Randall, and Charles J. Ingersoll; absent, Bowne, Houston, and Hunter. Of my tardiness I failed not to be reminded. We took up the old bill and debated it from the third to the sixth section inclusive. Every provision of every section was contested, and the only sound principle settled was that the principal sum of the bequest should be preserved unimpaired as a perpetual fund, from which no appropriation shall be made.

Habersham, of Georgia, opposed the parts of the bill providing for the establishment of an astronomical observatory. His argument was the danger and difficulty of carrying it through Congress; and he said that only yesterday one of the members from the South urged, in conversation with him, that Congress had no constitutional power to accept the bequest, and that the money ought to be sent back to England.

I saw the finger of John C. Calhoun and of nullification, and said that the objection against the power of Congress

to accept the bequest would not be removed by striking out the observatory; that Mr. Calhoun and his coadjutors had urged it from the beginning, and it had been time after time settled against them; that any application of the fund to the purposes of the testator would be resisted by them, and if anything was to be done it must be carried against their stubborn opposition. Adjourned to Monday morning at ten.

MARCH 21, 1842.

Meeting of the Committee on the Smithsonian bequest, at ten a. m. I was punctual to the minute, but waited more than half an hour for a quorum. Present, Adams, Underwood, Truman Smith, Habersham, R. Randall, and C. J. Ingersoll; absent, Bowne, Houston, and Hunter. We discussed the remainder of the old bill, from the sixth section through. Every one had amendments to propose, and the bill was thoroughly riddled. Many amendments were adopted, and I was directed to prepare an amended bill for the consideration of the committee at the adjournment, Wednesday morning.

MARCH 23, 1842.

I reached the committee room at ten o'clock. Present, Adams, Randall, Habersham, T. Smith, Underwood, and, just as the committee were adjourning, Ingersoll. The remainder of the old bill was throughly debated, and additional amendments were proposed. I was finally directed to prepare a bill and then call a meeting of the committee.

APRIL 2, 1842.

I made the experiment of doing something else while the routine of private legislation was dragging through. I accordingly continued the draft of a bill for the Smithsonian bequest Committee, with a hope to finish it on Monday, and I ascertained that I might, with suitable industry, perform the work of two hours' writing in my seat, upon business other than that before the House, every day upon which I take no part in the debate, and yet give all necessary attention to the current business.

APRIL 4, 1842.

I finished my draft of the bill for the Smithsonian bequest Committee, and added five new sections for their consideration.

APRIL 5, 1842.

In the House, I notified all the members of the Committee on the Smithsonian bequest, excepting Mr. Bowne, who is absent, to attend a meeting to-morrow morning; and I gave to Mr. Underwood to read the five additional sections, which complete my plan for the establishment of the institution and the provision of a fund for the erection and perpetual support of an astronomical observatory upon a scale equal to that of any one upon earth. He doubted the expediency of including them in the present bill, for fear of alarming the House, but cordially approved of my whole plan.

APRIL 6, 1842.

Committee on the Smithsonian bequest. Present, Adams, Underwood, Truman Smith, Benjamin Randall, and C. J. Ingersoll; absent, Habersham, Houston, Bowne, and Hunter. I was authorized to present to the House the draft of the bill which I had prepared, together with the five additional sections, with one other, to dispose of the surplus income from the principal fund, beyond the thirty thousand dollars a year for ten years from the 1st of September, 1838, appropriated by the bill, and with the bill a report.

APRIL 12, 1842.

When the select committees were called, I asked leave to report from the Committee on the Smithsonian bequest a bill; but the bill itself was at my house. C. J. Ingersoll had presented to the House and referred to the committee a claim of Richard Rush for extra services in recovering the money, and the Speaker said he had additional documents to present relating to that claim. I moved that the committee should be discharged from the further consideration of the claim, and that it be referred to the Committee of Claims; which, with faint opposition from C. J. Ingersoll, was carried.

JUNE 11, 1842.

The meeting last evening at Mr. Markoe's was for the purpose of conferring upon the project of connecting the organization of the National Institute for the Promotion of Science, with that of the Smithsonian Institution. Mr. Poinsett is president of the former, and presided at the meeting. Mr. Preston has introduced into the Senate a bill for combining together these two institutions, and now stated to the meeting his views on the subject, embracing

an appropriation of twenty thousand dollars, and the occupation by law of a large portion of the Patent Office building for the preservation and arrangement of the objects of curiosity collected by the exploring expedition under Lieutenant Wilkes, now daily expected home; and he called on me to say how far my purposes may be concurrent with these suggestions.

I said I had the warmest disposition to favor them, and thought there was but one difficulty in the way, which might perhaps be surmounted. I had believed that the whole burden and the whole honor of the Smithsonian Institution should be exclusively confined to itself, and not entangled or commingled with any national establishment requiring appropriations of public money. I exposed the principles upon which all my movements relating to the Smithsonian bequest have been founded, as well as the bills which at four successive Congresses I have reported—first for obtaining the money, and then for disposing of the fund.

At the motion of Mr. Walker, of Mississippi, the president, Poinsett, was authorized to appoint a committee of five members of the Institute, to confer with Mr. Preston and me upon the means of connecting the Smithsonian Institution with the National Institute.

JUNE 20, 1842.

In the House, immediately after the reading of the journal, I offered a resolution calling upon the Secretary of the Treasury to report to the House as soon as may be practicable, after the 1st of July now impending, the amount paid or credited to the several States of the Union from the proceeds of the sales of the public lands; the amount retained in payment of interest or principal of debts due from the States to the United States; and the amount due from the indebted States to the United States. My resolution was received and adopted without opposition and without remark.

MARCH 10, 1843.

In the unceasing mill-clapper talk of Mr. Hassler last evening, he asked me to introduce him to the new Secretary of the Treasury, John C. Spencer—which I agreed to do, and appointed this day at one o'clock to go with him to the Department for that purpose. He came, and we went accordingly. I introduced him, and almost immediately left them together; but not without perceiving the seeds of a

conflict already germinating between two proud spirits, which bodes no good to the progress of the Coast Survey. The recent act places Hassler under the control of a board of officers, and the whole operation under the superintendence of the Secretary of the Treasury. Hassler, already restive under the yoke fitting to his neck, said that the work, being scientific, must be conducted on scientific principles. The Potentate answered in a subdued tone of voice, but with the trenchant stubbornness of authority, "the laws must be obeyed." The pride of science clashed with the pride of place, and I left them together.

I had observed the same temper in Spencer yesterday in talking with him about the present condition and prospects of the Smithsonian fund. I supplicated him to take an interest in the restoration, preservation, and application of the fund to the purposes of the testator. He promised to make a full report to Congress on the subject, to recommend the issue of six per cent. stock of the United States to the full amount of the dilapidated funds and the investment of it in trustees—the Chief Justice of the United States, and other officers of the Government. But he thought the disposal of the funds should be left entirely to the trustees; and he pronounced the prejudice against my plan of an astronomical observatory insurmountable, because I had once called observatories light-houses *in* the skies. My words were light-houses *of* the skies. But Mr. Spencer sees no difference between the two phrases. Mr. Spencer turned up his eyes at the swindling speculation of the Senator from Arkansas, and shrugged up his shoulders at the prospect of ever recovering the money from that State.

JANUARY 20, 1844.

Thomasson's amendment to Wise's resolution, and all the other amendments, were rejected, and the original resolution to refer the notice of the Smithsonian bequest to a select committee was amended by Burke's motion to refer it to the Joint Committee on the Library. The committee reported, and the House adjourned.

FEBRUARY 19, 1844.

The report of the Secretary of the Treasury on the present condition of the Smithsonian fund was sent in, of which Mr. Young apprised me by a private note. I moved its reference to a select committee of nine, and that, with the documents, it should be printed. Burke moved its reference to the Joint Committee on the Library. To this

I objected, and assigned my reasons; whereupon Burke, unexpectedly to me, withdrew his motion, and mine was carried.

MAY 15, 1844.

Adams, John Quincy; Houston, George S.; Chappell, Absalom H.; French, Richard; Lucas, William; Brengle, Francis; Potter, Emery D.; Yost, Jacob S.; Wethered, John. The names in the margin are those, including my own, of the select committee to whom, on the 19th of February last, was referred the report of the Secretary of the Treasury on the resolution of the House of the 3d of January, concerning the present condition of the Smithsonian fund. I met them at ten this morning, in the chamber of the Committee of Manufactures; all present except Houston and Chappell, who were duly notified. We had barely time to read the will of Smithson, the act of Congress accepting the bequest, and the report of the Secretary of the Treasury referred to the committee, and adjourned, to meet to-morrow at ten o'clock.

MAY 16, 1844.

I met again the committee on the Smithsonian bequest, the same members present as yesterday, The report of the Secretary of the Treasury evades all explanation of the manner how the fund was almost entirely invested in bonds of the State of Arkansas, upon which no interest has been paid, except in other bonds of the same State, and upon which for more than two years no interest has been paid at all. How to make the fund now available for any appropriation by Congress to the purposes of the testator was the question first discussed, and upon which the committee came to no result. Then I read the bill reported by the select committee on the 12th of April, 1842, and, after some conversation, the committee adjourned to next Monday, ten o'clock, for the chairman, consulting with Judge French, to prepare some specific measure to be discussed for report to the House.

MAY 20, 1844.

I had prepared a draft of a bill making an appropriation of seven hundred thousand dollars from the Treasury to assume the annual interest on the Smithson fund, invested now in stocks of several States and upon interest, the payment of which is suspended; which draft I proposed to submit to the consideration of the committee on the Smithsonian bequest at their meeting this morning. But only

one member of the committee, Jacob S. Yost, attended. I read my draft of a bill to him, and we agreed to meet again next Wednesday morning at half-past nine.

MAY 22, 1844.

The meeting of the select committee on the Smithsonian bequest was appointed for half-past nine o'clock this morning, but, with myself, only three other members of the committee were in attendance—Brengle, Potter, and Yost; not a quorum. I read to them my draft of a bill for appropriating seven hundred thousand dollars from the Treasury for carrying into immediate effect the purposes of the testator—which they all approved; and they were also willing to report again the bill which was reported in 1842. We adjourned to meet again next Saturday.

MAY 23, 1844.

I began the draft of a report to accompany the bill which I propose to report from the select committee on the Smithsonian bequest, but made little progress in it.

MAY 25, 1844.

The meeting of the select committee on the Smithsonian bequest was fixed for this morning at half-past nine, but the only members who attended, except myself, were Brengle and French. I read my draft of a preliminary bill to appropriate a sum sufficient to make the fund immediately available for application to the purposes of the testator, to Mr. French, who without hesitation approved it. I have, therefore, the consent of a majority of the committee to report it; but I was not ready with my report. It was agreed, therefore, that when my report is ready I shall call a meeting of the committee, for their final action upon the reference.

MAY 30, 1844.

In preparing the report to the House of the select committee on the Smithson bequest, I found it advisable to ascertain at the Treasury Department whether any further payment of interest upon any of the State bonds has been made into the Treasury since the letter of the Secretary, John C. Spencer, of 19th February last, referred to the committee. I called at the Department, and Mr. Young, the chief clerk and acting secretary, informed me that no additional payment has been made.

May 31, 1844.

I finished the draft of a report from the select committee on the Smithsonian bequest, but, in the process of preparing it, changed my purpose from the design of reporting two bills to that of including the whole subject in one.

June 1, 1844.

I had called a final meeting of the select committee on the Smithsonian bequest, at half-past nine this morning, and yesterday sent round by one of the pages a notification to all the members of the committee in the House. I had also personally notified George S. Houston; but the only members who attended were Brengle, French. and Yost, to whom I read the report and bill that I had prepared, both which they approved, and authorized me to present, after obtaining the consent of one more member of the committee, to the House. That consent I afterwards obtained from Emery D. Potter, the member from Ohio.

June 5, 1844.

At the House, immediately after the reading of the journal, I asked leave to present a report and bill from the select committee on the Smithsonian bequest; but McKay, Chairman of the Committee of Ways and Means, moved to suspend the rules and go into Committee of the Whole on the state of the Union, and refused to allow me time to present my report and bill.

June 7, 1844.

I presented the report and bill from the select committee on the Smithsonian bequest, which were referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

June 11, 1844.

The compositor of the Globe office sent me proof sheets of the Smithsonian bequest bill, reported by me from the committee to the House, in which there were several errors. I corrected them last evening, and took the corrected bill back to the office. I requested a proof copy of the report also, when printed.

December 5, 1844.

I had a morning visit from Robert Owen, of Lanark, a man with whom I first became acquainted in London, in 1817—a speculative, scheming, mischievous man.

DECEMBER 6, 1844.

Mr. Robert Owen came again this morning, and mesmerized me for the space of an hour and a half with his lunacies about a new organization of society under the auspices of the two most powerful nations on the face of the globe—Great Britain on the Eastern and the United States on the Western Hemisphere. The materials, he says, are abundant, and the arrangements are all of simple and easy execution. He has prepared a plan in which all the details are set forth with the minutest accuracy. It is now in the hands of Mr. Packenham, but he will ask him to return it, and will communicate it to me for my examination. It is a plan for universal education, for which the Smithsonian fund may provide the means without interfering at all with my views. After the establishment of the system, there will be no war, and no such thing as poverty. Universal competency will be the lot of all mankind, and want will be unknown.

All this I had heard twenty-five years ago, and the humbug is too stale.

JANUARY 15, 1845.

Mr. Woodbury's discourse last evening was of about two hours' duration, delivered with great rapidity, replete with various and minute details of modern and especially American improvements in the arts and sciences, physical, moral, political, and intellectual, tinged throughout with the wormwood of Democracy, like ocean brine boiled down to freshen it, with a mawkish tang of the salt remaining in the taste. It was a defence of our national character against the reproach of neglecting the progress of science. He drew from the nature of our Democratic Government the inference that scientific improvement must be the result of individual exertion and private enterprise, and enumerated a great multitude of American inventions, from Fulton's steamers and Whitney's cotton-gin to the Western Railroad, the Fairmount Water Works at Philadelphia, and the Croton Aqueduct at New York.

Then he touched lightly upon the promotion of science which the Government has actually patronized—the survey of the coast, the astronomical observatory, and the exploring expedition. He made out, on the whole, a very good case, and closed with a liberal exhortation to Congress to foster science within the constitutional limitations, and to interweave together the capabilities of the National Institute and the Smithsonian fund. Immediately after he closed,

W. W. Seaton took the chair of the meeting, a vote of thanks was passed for the discourse, with the request of a copy for publication, and the meeting was dissolved.

JANUARY 28, 1845.

The House had been some time in session when I took my seat. A bill from the Senate to establish the Smithsonian Institution had been received, read, and referred to the Committee of the Whole on the state of the Union.

FEBRUARY 10, 1845.

Robert Dale Owen had introduced a substitute for the bill from the Senate to dispose of the Smithsonian bequest. Without reading, it was ordered to be printed, and referred to the Committee of the Whole on the state of the Union.

MARCH 3, 1845.

Owen and Burke made desperate attempts to force down a swindling Smithsonian bill, which I barely succeeded in defeating.

APRIL 4, 1845.

I find it impossible to carry out the resolution formed during the session of Congress, to devote the recess to subjects of public interest which I was then compelled to overlook. I have, indeed, disposed of two of them for the present; but the rescinding of the gag-rule, the Jackson fable of the Erving Treaty with Spain, the Smithsonian bequest, the controversy between Massachusetts and South Carolina, the new States of Texas, Iowa, and Florida, the Territories of Nebraska and Oregon, and the errors of the sixth census—all subjects which I did intend thoroughly to sift before the next session of Congress, they are slipping through my hands.

APRIL 11, 1845.

Mr. George Bancroft, now Secretary of the Navy, called on me this morning, and again in the evening, and I had two long conversations with him, on subjects connected with the Navy Department, the Observatory, the magnetic apparatus and observations, the Smithsonian bequest, and the National Institute, and finally upon Mr. Lewis' catoptrical light-house lamps and the Patent Office. He asked for advice with regard to the Observatory, and the magnetic observations, which are suspended.

My advice was: 1. To build a dwelling-house adjoining the Observatory. 2. To order immediately the resumption

of the magnetic observations. Much, too much, loose and desultory conversation besides, to be very much restricted hereafter. Mr. Bancroft professes great zeal to make something of his Department. I heartily wish he may. He intends to be a hard-working man. Practice should follow and realize theory. Drop the anchor, Hope!

APRIL 30, 1845.

Between one and two, afternoon, Mr. McClintock Young, chief clerk of the Treasury Department, sent me word that the Secretary was in his office, and would see me. I went immediately, and found the anteroom and the entry before his door crowded with persons waiting for admission—four out of five, if not all, place-hunters. The doorkeeper opened the door for me, and Mr. Walker received me with civility. I had about half an hour's conversation with him concerning the Smithsonian bequest, and gave him my reasons for arresting in the House of Representatives, on the last night of the session, the bill which had passed the Senate. I mentioned to him my objection to the organization of the board of managers, qualified as a committee of Congress, but a majority of whom, though elected as members, three from the Senate by their President and three from the House by their Speaker, would be no longer members when called to act as members of the Institution. I told him of the absurd amendment proposed in the House to the bill from the Senate, by Robert Dale Owen, of Indiana, and the desperate plunges made by him, and by Burke, of New Hampshire, to force the bill upon the House in its last agonies, and the selfish purpose transparent through their motions—Burke's, made close upon the midnight hour, to take it out of committee in ten minutes.

Mr. Walker, after referring to his agency heretofore as a member of the National Institute, which was unsuccessful, said that his preference for the employment of the fund was, first, for an astronomical observatory on my plan; and, secondly, for a large library, chiefly of such books as are not to be found in other public libraries. He would cheerfully co-operate, as far as he might be able, to carry such a purpose into effect. He agreed with me that a corporation, and not a committee of ex-members of Congress, was the proper organization for the management of the fund, and that measures should be taken for redeeming the principal and interest from the State of Arkansas. I left him with a lingering hope that something may be done for the disposal of the bequest at the next session of Congress.

DECEMBER 30, 1845.

A report was received from the Secretary of the Treasury in answer to a resolution inquiring why certain sums of money due to the State of Arkansas had been withheld from payment; and the answer is that it had been by virtue of a joint resolution of the 3d March last, providing that whenever any State shall have been, or may be, in default of the payment of interest or principal on investments in its stock, or bonds held by the United States in trust, it shall be the duty of the Secretary of the Treasury to retain the whole, or so much thereof as may be necessary, of the percentage to which such State may be entitled of the proceeds of the sales of the public lands within its limits, and apply the same to the payment of said interest or principal, or to the reimbursement of any sums of money expended by the United States for that purpose. This provision was first introduced into an act of Congress by me in 1842, and is the only check which I believe practicable to an enormous system of swindling and plunder by some of the Democratic States upon the Treasury of the Union.

JANUARY 23, 1846.

I attended at the Capitol a meeting of the committee on the Smithsonian bequest. There were present, Owen, Adams, Jenkins, Marsh, Sims, Davis, and Wilmot—all the members. The discussion was renewed upon the question whether the directors of the Institution should be constituted in express terms a corporation; for which purpose the chairman, Owen, moved a reconsideration of the decision made at the last meeting. It was again debated, and again decided to make it a corporation—the vote now being four to three, Owen, chairman, changing his vote to the negative, and Sims, of South Carolina, still voting for the corporation, with the avowed intention of voting against the whole bill, and declaring his purpose to have the whole money sent back to the English court of chancery.

I told him that I thought that proposition came rather late, after the formal acceptance of the bequest, and the appropriation of the money to other purposes, with a formal pledge of the faith of the United States that it should be applied to the objects designated by the donor.

It was, however, the original proposition of John C. Calhoun, and will be persisted in by the South Carolina school of politics and morals to the last, without any idea of returning the money, but with the purpose of defeating any useful application of it.

I proposed a provision that all the proceeds of the bequest be placed in the possession of the Treasurer of the United States, with a direction that separate accounts of it should be kept from those of all the other accounts at the Treasury. This had been done in the act of 1836, which the committee considered as no longer obligatory, since the investment of the fund, almost entirely, in stocks of the United States. The provision itself in the act of 1836 was questioned, until I produced it; and the provision was now, at my motion, re-inserted in the present bill. The committee adjourned to next Friday.

JANUARY 30, 1846.

At ten o'clock this morning I attended a meeting of the select committee on the Smithsonian bequest. Present, six members—Owen, Adams, Jenkins, Sims, Davis, Wilmot; absent, Marsh, of Vermont, who afterwards told me that it was because he had forgotten the time of the meeting. Some progress—very little—was made in the discussion of Mr. Owen's bill. In the sixth section provision is made for a superintendent to take charge of the ground, buildings, and property belonging to the Institution, and also for the appointment of a professor of agriculture, horticulture, and rural economy, and for a distribution among the people of the Union of fruits, plants, seeds, and vegetables, to be collected by this superintendent with the professor; and gardeners, practical agriculturists, and laborers, to be hired from time to time by him as may be necessary.

I moved to strike out this section, which I consider as a cumbersome, expensive, and useless burden upon the Institution. It was connected also with a further project, declared in the seventh section, for the appointment of a normal branch of the Institution, with an indefinite number of professors of common school and other scientific instruction—all which I propose to expunge from the bill. The discussion was desultory, and, before taking the question upon it, some amendments of detail to the sixth section were proposed, and debated until the meeting of the House, when the committeee adjourned to next Friday.

FEBRUARY 13, 1846.

I attended the meeting of the select committee upon the Smithsonian bequest; all the members present—Owen, Adams, Jenkins, Sims, Davis, Marsh, Wilmot. Mr. Owen's bill was further discussed. The question was taken upon my motion to strike out the provision for the appointment

of professors of agriculture and horticulture, and for the establishment of teachers for normal schools, both of which, however, were carried by a vote of five to two. There was in the bill an appropriation of five thousand dollars a year for the formation of a library. I moved to strike out in this section the word "five" and insert "twenty;" believing this better adapted to promote and increase the diffusion of knowledge among men than the waste of the funds to pay the expenses of schools for children—a duty which I believe incumbent upon the American people themselves, who will be disgraced by recurring to a foreigner for charges which they ought to support themselves.

My motion was, however, rejected, and the committee were prepared to report the bill as the majority of them have shaped it. A question was, however, reserved for the next meeting on Friday next.

FEBRUARY 20, 1846.

I attended this morning a meeting of the select committee on the Smithsonian bequest. Present, Owen, chairman, Adams, Sims, and Jenkins. There was some further discussion upon the amendments proposed to the bill, but without coming to a conclusion. The committee adjourned again to meet next Friday, with a view then to direct the chairman to report the bill as amended. I said I should not object to this, but should not hold myself bound to support it in the House. Mr. Sims said that his objection to it as unconstitutional remained in full force in his mind.

FEBRUARY 27, 1846.

At ten o'clock this morning I attended a meeting of the select committee on the Smithsonian bequest. Present, Owen, chairman, Adams, Sims, Jenkins, Marsh, and Jefferson Davis; absent, Wilmot. The chairman, conformably to the order adopted at the last meeting, had prepared a report to be submitted with the bill to the House. It contained a statement of the embezzlement of the fund by investing it in the stocks of the States of Arkansas, Illinois, and Michigan. I had moved to have this statement made and provided for in the bill; but, excepting Mr. Marsh, no other member of the committee would consent to it. They were unwilling to uncover the nakedness of the States. They consented, however, with reluctance, to have it made in the report, which Mr. Owen had rather awkwardly done, with an expression of the opinion of the committee that

there would be no ultimate loss to the United States of the funds thus invested.

I moved to strike out of the report this expression of confidence, which I could not honestly avow. It was accordingly struck out, leaving a bare statement of the facts to be made.

The chairman was directed, in presenting the report and bill, to move that they should be printed and made the special order of the day for the second Tuesday in April. The committees of the House upon this subject have heretofore been unanimous in the reports—all which have been made by me. But the House has never been prevailed upon to take them into consideration. In this committee no two members, excepting Mr. Marsh and myself, have agreed in opinion with regard to the future management of the fund. I doubt if there will be more harmony in the House, for never was there a benevolent and charitable purpose more unfortunately endowed than that of James Smithson, entrusted to the good faith and intelligence of the North American Congress.

APRIL 22, 1846.

At the House, the bill to establish the Smithsonian Institution for the increase and diffusion of knowledge among men was taken up in Committee of the Whole on the state of the Union—Armistead Burt, of South Carolina, in the chair. It was read through for information, and then taken up by sections for amendment.

George W. Jones, of Tennessee, moved to strike out the first section; that is, to reject the bill.

Robert Dale Owen delivered an hour speech in support of the bill, dwelling chiefly upon the parts of it appropriating funds for the education and training of teachers for normal schools throughout the Union—in my opinion the worst feature of the bill.

Jones' objection was chiefly to the organization of the trustees of the fund as a corporation, which he contended was not within the constitutional power of Congress to create. After Owen's speech, Jones withdrew his motion to strike out the first section, and moved to amend by a section authorizing the whole bequest to be returned to the heirs at law, or next of kin, or residuary legatees of Smithson, or their authorized agents, whenever they shall demand the same. That is to say, to deliver to them the State bonds of the State of Arkansas, Illinois, and Michigan, upon which neither interest nor principal is, or is soon likely

to be, paid. This is Mr. Jones' favorite mode of disposing of a fund accepted by the Congress of the United States with the pledge of their faith that it should be appropriated to the purposes prescribed by the donor. This motion was discussed by the mover, by Joseph R. Ingersoll, by F. P. Stanton of Tennessee, by William Sawyer of Ohio, and by Jefferson Davis of Mississippi; after which the committee rose without coming to a conclusion.

APRIL 23, 1846.

At the House, Linn Boyd moved a resolution to close debate in Committee of the Whole on the state of the Union on the Smithsonian bequest bill in half an hour after taking it up in committee. Joseph R. Ingersoll pleaded for an hour and a half. James Graham, of North Carolina, moved to lay the resolution on the table; which was done, and the House went into committee again, Armistead Burt in the chair, and resumed the consideration of the bill.

Charles J. Ingersoll informed the House that the managers of the conference upon the notice of disagreement had unanimously agreed upon a report, but that it could not be communicated to this House until it should have been acted upon in the Senate.

George P. Marsh, of Vermont, made an hour speech upon the Smithsonian bequest bill—one of the best speeches ever delivered in the House, but not much in support of the bill. His desire is to apply a very large portion of the annual interest upon the fund to the establishment of a public library.

Isaac E. Morse, of Louisiana, followed, to whom Owen replied, and was followed by John S. Chipman, of Michigan, against the bill. The committeee rose, and Owen moved a resolution to close the debate in Committee of the Whole. Joseph R. Ingersoll moved to amend by inserting three hours; but the resolution itself was laid on the table, ninety-three to forty-four. Owen asked if a resolution allowing an hour and a half would be acceptable.

I requested him not to renew the question in any form, as I wished to offer a substitute for the whole bill. Objection was made to this. I moved a suspension of the rules—which was carried. I proposed my substitute which I had prepared this morning; it was referred to the Committee of the Whole on the state of the Union, and ordered to be printed. The consideration of the bill was then postponed to next Monday.

APRIL 28, 1846.

Committee of the Whole on the state of the Union, Armistead Burt in the chair, on the Smithsonian bequest bill. Sims, of South Carolina, opposed the bill in every shape and form it could assume. He held Congress had no power by the Constitution to accept such a trust, and was for returning the money to the chancery of England.

I made a desultory speech in support of the substitute proposed by me for the bill. They were both debated till the committee rose without coming to a conclusion, and other amendments were proposed. George W. Hopkins, of Virginia, moved a resolution to close the debate in Committee of the Whole in one hour after it should be next taken up—which was carried, by means of the previous question, and the House adjourned.

ACCOUNT OF THE

UNITED STATES TREASURY

WITH THE

SMITHSON FUND.

FROM THE BOOKS OF THE TREASURY DEPARTMENT.

Dr.

THE STATE OF ARKANSAS, on account of the bonds of said sonian Institution, under the 6th section of an act of Congress, in trust, for the uses specified in the last will and testament of

Auditor's Report, No. 103,877:	*Cost.*	*Par value.*
For amount of said bonds, No. 1 to 500, of $1,000 each, dated January 1, 1838, payable 26th October, 1861, purchased per Warrant No. 9512, 4th September, 1838, at 99$\frac{9}{10}$ per cent., bearing 6 per cent. interest from September, 5, 1838, at a cost of	$499,500 00	$500,000 00
For amount of said bonds, No. 401 to 410, of $1,000 each, dated January 1, 1838, payable 1st of January, 1868, purchased per Warrant No. 10352, 29th December, 1838, at par, bearing 6 per cent. interest from 1st of January, 1839, at a cost of	10,000 00	10,000 00
For amount of said bonds, No. 282 to 294, of $1,000 each, dated January 1, 1838, payable 1st January, 1868, purchased per Warrant No. 1949, 6th July, 1839, at 98¾ per cent., bearing 6 per cent. interest from 1st July, 1839, at a cost of	12,837 50	13,000 00
For amount of said bonds, No. 359 to 373, of $1,000 each, dated January 1, 1838, payable 1st of January, 1868, purchased per Warrant No. 5859, 21st September, 1840, at 69¾ per cent., bearing 6 per cent. interest from 1st July, 1840, at a cost of	10,555 00	15,000 00
Cost	$532,892 50	
Principal		$538,000 00
For amount of interest, on said bonds, to 31st December, 1849, viz:		
On $500,000, from 5th of September, 1838, to 31st December, 1849	339,619 57	
On $10,000, from 1st of January, 1839, to 31st December, 1849	6,600 00	
On $13,000, from 1st of July, 1839, to 31st December, 1849	8,190 00	
On $15,000, from 1st of July, 1840, to 31st December, 1849	8,550 00	
		362,959 57
		$900,959 57

CR.

State, purchased as an investment of moneys belonging to the Smith-approved July 7, 1838, in account with the Secretary of the Treasury, James Smithson.

By amount received for interest accruing on said bonds, covered by the following warrants in favor of the Treasurer, viz:		
Part of Warrant No. 3212, dated 29th December, 1838—deposit		$9,619 57
Part of Warrant No. 3597, dated 1st July, 1839—deposit		15,300 00
Part of Warrant No. 276, dated 3d February, 1840—deposit		15,690 00
Part of Warrant No. 502, dated 30th July, 1840—deposit		15,690 00
Part of Warrant No. 789, dated 1st February, 1841—deposit		16,140 00
Warrant No. 943, dated 30th June, 1841—deposit		5,000 00
Part of Warrant No. 1058, dated 7th August, 1841—deposit		10,000 00
Warrant No. 1085, dated 18th September, 1841, deposit		1,140 00
Warrant No. 1599, dated 13th December, 1842, distributive share of proceeds of sales of public lands		4,482 79
Warrant No. 1782, dated 20th April, 1843—distributive share of proceeds of sales of public lands		529 37
Warrant No. 2558, dated 2d May, 1845—5 per cent. on net proceeds of sales of public lands in the State		7,617 56
Warrant No. 2681, dated 23d August, 1845—5 per cent. on net proceeds of sales of public lands in the State		1,788 76
Warrant No. 3505, dated 5th April, 1847—5 per cent. on net proceeds of sales of public lands in the State		870 62
Warrant No. 3699, dated 7th July, 1847—5 per cent. on net proceeds of sales of public lands in the State		2,609 28
		$106,477 95
By balance due from the State of Arkansas, viz:		
For principal of said bonds	$538,000 00	
Interest to 31st December, 1849	256,481 62	
		794,481 62
		$900,959 57

DR. *Arkansas Account*—Continued.

Auditor's Report, No. 113,529:	
To balance due from said State, per Report No. 103,877	$794,481 62
To interest on $538,000, being the amount of principal of said bonds, from January 1, 1850, to December 31, 1853, at 6 per cent. per cent. per annum	129,120 00
	$923,601 62
No. 116,528:	
To balance due from said State, per Report No. 113,529	$899,636 32
To interest on $538,000, being the amount of principal of said bonds, from 1st of January to 31st of December, 1854, at 6 per cent. per annum	32,280 00
	$931,916 32
No. 127,145:	
To balance due from said State, per Report No. 116,528	$918,456 03
To interest on $538,000, being the amount of principal of said bonds, from 1st of January, 1855, to December 31st, 1856, 2 years, at 6 per cent per annum	64,560 00
	$983,016 03
No. 138,174:	
To balance due from said State, per Report No. 127,145	$974,702 88
To interest on $538,000, being the amount of principal of said bonds, from January 1, 1857, to December 31, 1859, 3 years, at 6 per cent. per annum	96,840 00
	$1,071,542 88

Arkansas Account—Continued. CR.

By amount received for interest accruing on said bonds, covered by the following warrants in favor of the Treasurer, as per statement of the Register of the Treasury, viz:		
No. 5013, dated May 28, 1849	$8,396 73	
No. 61, dated June 3, 1850	3,009 71	
No. 14, dated July 19, 1851	3,617 06	
No. 9, dated November 10, 1852	8,941 80	
		$23,965 30
By balance due from the State of Arkansas, viz:		
For principal of bonds	$538,000 00	
For interest	361,636 32	
		899,636 32
		$923,601 62
By amount received for interest accruing on said bonds, covered by the following warrants in favor of the Treasurer, as per certificate of the Register:		
No. 3, dated April 6, 1854	$3,271 60	
No. 27, dated October 31, 1854	10,188 69	
		$13,460 29
By balance due from the State of Arkansas, viz:		
For principal of bonds	$538,000 00	
For interest	380,456 03	
		918,456 03
		$931,916 32
By amount received for interest accruing on said bonds, covered by Warrant No. 102 in favor of the Treasurer, dated June 28, 1856		$8,313 15
By balance due from the State of Arkansas, viz:		
For principal of bonds	$538,000 00	
For interest	436,702 88	
		974,702 88
		$983,016 03
By Warrant No. 20 in favor of the Treasurer, dated January 7, 1858		$18,700 79
By balance due from the State of Arkansas, viz:		
For principal of said bonds	$538,000 00	
For interest	514,842 09	
		1,052,842 09
		$1,071,542 88

DR. *Arkansas Account*—Continued.

Auditor's Report, No. 146,387:

To balance due from said State, per Report No. 138,174	$1,052,842 09
To interest on $538,000, being the amount of principal of said bonds, from January, 1860, to January 1, 1863, 3 years, at 6 per cent. per annum	96,840 00
	$1,149,682 09

No. 148,045:

To balance due from said State, per Report No. 146,387	$1,149,682 09
To interest on $538,000, being the amount of principal of said bonds, from January 1 to June 30, 1863, at 6 per cent. per annum	16,140 00
	$1,165,822 09

No. 172,750:

To amount due from said State, per Report No. 148,045	$1,146,187 34
To interest on $538,000, being the amount of principal of said bonds, from July 1, 1863, to December 31, 1869	209,820 00
	$1,356,007 34

No. 199,302:

To amount due from said State, per Report No. 172,750	$1,290,065 53
To interest on $538,000, being the amount of principal of said bonds, from January 1, 1870, to December 31, 1875	193,680 00
	$1,483,745 53

Arkansas Account—Continued. Cr.

By balance due from the State of Arkansas, viz:		
For principal of bonds	$538,000 00	
For interest	611,682 09	
		$1,149,682 09
		$1,149,682 09

By Warrant No. 116 in favor of the Treasurer, dated August 18, 1863		$19,634 75
By balance due from the State of Arkansas, viz:		
For principal of bonds	$538,000 00	
For interest	608,187 34	
		1,146,187 34
		$1,165,822 09

By Warrant No. 137 in favor of the Treasurer, dated 30th September, 1860		$65,941 81
By balance due from the said State of Arkansas, viz:		
For principal of bonds	$538,000 00	
For interest	752,065 53	
		1,290,065 53
		$1,356,007 34

By balance due from the said State of Arkansas, viz:		
For principal of bonds	$538,000 00	
For interest	945,745 53	
		$1,483,745 53
		$1,483,745 53

Dr.

THE STATE OF MICHIGAN, on account of the stock of said sonian Institution, under the 6th section of an act of Congress, in trust, for the uses specified in the last will and testament of

Auditor's Report, No. 103,878:	*Cost.*	*Par value.*
For amount of 8 "special certificates" of the stock of said State, No. 76 and No. 86 to 92 inclusive, dated 1st May, 1838, for $1,000 each, payable on the first Monday in July, 1858, or at any time thereafter that the State may choose, purchased per Warrant No. 10,146, November 23, 1838, at par, bearing 6 per cent. interest from 1st May, 1838—cost	$8,000 00	$8,000 00
For interest from 1st May to 23d November, 1838—cost	270 67	
For amount of interest accruing on said certificates from 1st May, 1838, to 31st December, 1849		5,600 00
		$13,600 00

No. 113,547:	
To amount due from said State, per Report No. 103,878	$8,000 00
To interest on said bonds from 1st January, 1850, to December 31, 1853, at 6 per cent	1,920 00
	$9,920 00

CR.

State, purchased as an investment of moneys belonging to the Smith-approved July 7, 1838, *in account with the Secretary of the Treasury, James Smithson.*

By amount received for interest on said certificates, covered by the following warrants in favor of the Treasurer, viz:	
Part of Warrant No. 3212, dated 29th December, 1838—deposit	$320 00
Warrant No. 3598, dated 1st July, 1839—deposit	240 00
Part of Warrant No. 276, dated 3d February, 1840—deposit	240 00
Part of Warrant No. 502, dated 13th July, 1840—deposit	240 00
Part of Warrant No. 789, dated 1st February, 1841—deposit	60 00
Part of Warrant No. 1058, dated 7th August, 1841—deposit	420 00
Warrant No. 1593, dated 26th November, 1842—distributive share of proceeds of sales of public lands	480 00
Warrant No. 1780, dated 20th April, 1843—distributive share of proceeds of sales of public lands	240 00
Warrant No. 2679, dated 23d August, 1845—5 per cent. of net proceeds of sales of lands in said State	1,200 00
Warrant No. 2876, dated 10th February, 1846—5 per cent. of net proceeds of sales of land in said State	59 93
Warrant No. 3503, dated 5th April, 1847—5 per cent. of net proceeds of sales of land in said State	660 07
Warrant No. 3697, dated 7th July, 1847—5 per cent. of net proceeds of sales of land in said State	240 00
Warrant No. 4849, dated 20th September, 1848—5 per cent. of net proceeds of sales of land in said State	480 00
Warrant No. 5009, dated 23d May, 1849—5 per cent. of net proceeds of sales of land in said State	240 00
Warrant No. 69, dated 19th June, 1850—5 per cent. of net proceeds of sales of land in said State	480 00
Amount of interest received	$5,600 00
By balance due from the State of Michigan, for the principal of said certificates	8,000 00
	$13,600 00

By amount received for interest on said stocks, covered by the following warrants in favor of the Treasurer, viz:		
No. 11, dated July 16, 1851	$720 00	
No. 21, dated May 4, 1852	240 00	
		$960 00
By balance due from the State of Michigan:		
For the principal of said stock	$8,000 00	
For interest to 31st December, 1853	960 00	
		8,960 00
		$9,920 00

DR. *Michigan Account*—Continued.

Auditor's Report, No. 127,148:	
To amount due from said State, per Report No. 113,547	$8,960 00
To interest on said bonds from 1st January, 1854, to December 31, 1856, at 6 per cent.	1,440 00
	$10,400 00
No. 133,350:	
To amount due from said State, per Report No. 127,148	$8,240 00
To interest on said bonds from 1st January, 1857, to July 1, 1858, at 6 per cent.	720 00
	$8,960 00

Account closed.

Michigan Account—Continued. **Cr.**

By amount received for interest on said stocks, covered by the following warrants in favor of the Treasurer, viz:		
No. 2, dated April 6, 1854	$959 51	
No. 30, dated July 19, 1855	720 49	
No. 30, dated October 15, 1856	480 00	
		$2,160 00
By balance due from the State of Michigan:		
For the principal of said stock	$8,000 00	
For interest	240 00	
		8,240 00
		$10,400 00

By amount received for principal and interest of said stocks, covered by the following warrants in favor of the Treasurer:		
No. 177, dated August 21, 1857	$480 00	
No. 151, dated November 26, 1858	480 00	
No. 149, dated November 24, 1858	8,000 00	
		$8,960 00
		$8,960 00

Account closed.

DR.

THE STATE OF ILLINOIS, on account of the bonds of said sonian Institution, under the 6th section of an act of Congress, in trust, for the uses specified in the last will and testament of

Auditor's Report, No. 103,879:	Cost.	Par value.
For amount of said bonds, viz: Nos. 70, 71, 73, 74, and No. 81 to 89 inclusive, dated 31st July, 1837, payable at the pleasure of the State after the year 1860; Nos. 2457, 2459, and 2460, dated 1st January, 1838, payable at the pleasure of the State after the 1st January, 1870; Nos. 2629, 2632, 2634, 2636, 2639, 2646, 2658, 2660, 2661, and 2664, dated 1st July, 1839, payable at the pleasure of the State after 1st January, 1870—in all, 26 bonds of $1,000 each, bearing 6 per cent. interest from 1st January, 1840, purchased per Warrant No. 3795, February 3, 1840, at 73 per cent., cost	$18,980 00	$26,000 00
For amount of 6 bonds, of $1,000 each, No. 261 to 266 inclusive, dated 1st May, 1840, payable at the pleasure of the State after 1st January, 1870, bearing 6 per cent. interest from 1st July, 1840, purchased per Warrant No. 6573, December 3, 1840, at 69¾ per cent.—cost, with interest from 1st July to 7th August, 1840, paid, $4,185 + 38	4,223 00	6,000 00
For amount of said bonds, viz: No. 1237 to 1246 inclusive, dated 1st July, 1839, payable at the pleasure of the State after the year 1860, and No. 287 to 300 inclusive, dated 1st May, 1840, payable at the pleasure of the State after the 1st January, 1870—in all, 24 bonds of $1,000 each, bearing 6 per cent. interest from 1st January, 1841, purchased per Warrant No. 7144, February 1, 1841, at 79½ per cent.—cost, with interest from 1st January to 1st February, 1841, paid, $19,080 + 120	19,200 00	24,000 00
Cost, of which $158 is interest paid	$42,403 00	
Amount of principal		$56,000 00
For interest accruing on said bonds to 31st December, 1849:		
On $26,000, from 1st January, 1840, to 31st December, 1849	15,600 00	
On $6,000, from 1st July, 1840, to 31st December, 1849	3,420 00	
On $24,000, from 1st January, 1841, to 31st December, 1849	12,960 00	
		31,980 00
		$87,980 00

CR.

State, purchased as an investment of moneys belonging to the Smith- approved July 7, 1838, *in account with the Secretary of the Treasury, James Smithson.*

By amount received for interest accruing on said bonds, covered by the following warrants in favor of the Treasurer, viz:	
Part of Warrant No. 502, dated 13th July, 1840—deposit	$780 00
Part of Warrant No. 789, dated 1st February, 1841—deposit	960 00
Part of Warrant No. 1058, dated 7th August, 1841—deposit	1,680 00
Warrant No. 1601, dated 13th December, 1842—distributive share of proceeds of sales of public lands	3,360 00
Warrant No. 1779, dated 20th April, 1843—distributive share of proceeds of sales of public lands	1,680 00
Warrant No. 2680, dated 23d August, 1845—3 per cent. of net proceeds of lands within the State	8,400 00
Warrant No. 3231, dated 1st January, 1847—3 per cent. of net proceeds of lands sold within the State	5,040 00
Warrant No. 3695, dated 6th July, 1847—3 per cent. of net proceeds of lands sold within the State	1,680 00
Warrant No. 4518, dated 11th May, 1848—3 per cent. of net proceeds of lands sold within the State	1,680 00
Warrant No. 4957, dated 14th March, 1849—3 per cent. of net proceeds of lands sold within the State	3,360 00
Warrant No. 47, dated 23d May, 1850—3 per cent. of net proceeds of lands sold within the State	3,360 00
	$31,980 00
By balance due from the State of Illinois:	
For principal of said bonds	56,000 00
	$87,980 00

DR. *Illinois Account*—Continued.

Auditor's Report, No. 113,530:	
To amount due from said State, per Report No. 103,-879	$56,000 00
To interest from 1st January, 1850, to 31st December, 1853, at 6 per cent.	13,440 00
	$69,440 00
No. 127,150:	
To amount due from said State, per Report No. 113,-530	$62,720 00
To interest on $56,000, the principal of said bonds, from 1st January, 1854, to December 31, 1856, at 6 per cent.	10,080 00
	$72,800 00
No. 136,777:	
To amount due from said State, per Report No. 127,-150	$57,680 00
To interest on $56,000, the principal of said bonds, from 1st January, 1857, to December 31st, 1859, at 6 per cent.	10,080 00
	$67,760 00
No. 144,302:	
To amount due from said State, per Report No. 136,-777	$62,720 00
To interest on $56,000, the principal of said bonds, from 1st January, 1860, to December 31, 1861, at 6 per cent.	6,720 00
	$69,440 00

Illinois Account—Continued. CR.

By amount received for interest accruing on said bonds, covered by the following warrants in favor of the Treasurer, viz:		
No. 26, dated May 7, 1851	$3,360 00	
No. 30, dated May 19, 1852	3,360 00	
		$6,720 00
By balance due from the State of Illinois:		
For principal of bonds	$56,000 00	
For interest	6,720 00	
		62,720 00
		$69,440 00

By amount received for interest accruing on said bonds, covered by the following warrants in favor of the Treasurer, viz:		
No. 142, dated March 15, 1854	$6,720 00	
No. 31, dated July 19, 1855	5,040 00	
No. 90, dated August 6, 1856	3,360 00	
		$15,120 00
By balance due from the State of Illinois:		
For principal of bonds	$56,000 00	
For interest	1,680 00	
		57,680 00
		$72,800 00

By amount received for interest accruing on said bonds, covered by the following warrant in favor of the Treasurer, viz:		
No. 51, dated January 29, 1858	$5,040 00	$5,040 00
By balance due from the State of Illinois:		
For principal of bonds	56,000 00	
For interest	6,720 00	
		62,720 00
		$67,760 00

By amount received for interest accruing on said bonds, covered by warrants in favor of the Treasurer, viz:		
No. 151, dated March 20, 1860	$1,887 12	
No. 6, dated April 3, 1860	1,472 88	
No. 138, dated May 29, 1860	3,360 00	
Part of No. 14, dated July 24, 1860	1,680 00	
Part of No. 106, dated February 20, 1861	1,680 00	
Part of No. 67, dated November 6, 1861	1,680 00	
		$11,760 00
By balance due from the State of Illinois:		
For principal of bonds	$56,000 00	
For interest	1,680 00	
		57,680 00
		$69,440 00

DR. *Illinois Account*—Continued.

Auditor's Report, No. 146,398:

To amount due from said State, per Report No. 144,-302		$57,680 00
To interest on $56,000, the principal of said bonds, from January 1 to December 31, 1862, at 6 per cent.		3,360 00
		$61,040 00

No. 199,745:

To amount due from said State, per Report No. 146,-398		$57,680 00
To interest on $56,000 from January 1, 1863, to December 31, 1867, at 6 per cent.—5 years		16,800 00
To interest on $10,000, January 1 to February 15, 1868	$75 00	
To interest on $13,000, January 1 to February 22, 1868	112 67	
To interest on $33,000, January 1 to March 9, 1868	379 50	
		567 17
		$75,047 17

Account closed.

Illinois Account—Continued. CR.

By amount received for interest accruing on said bonds, covered by warrants in favor of the Treasurer:		
Part of No. 18, dated January 14, 1862	$1,680 00	
Part of No. 27, dated February 11, 1863	1,680 00	
		$3,360 00
By balance due from the State of Illinois:		
For principal of bonds	$56,000 00	
For interest	1,680 00	
		57,680 00
		$61,040 00

By warrants in favor of the Treasurer:		
Part No. 181, dated September 9, 1862	$1,680 00	
Part No. 80, dated August 8, 1863	1,680 00	
Part No. 74, dated February 13, 1864	1,680 00	
Part No. 182, dated September 20, 1864	1,680 00	
Part No. 13, dated January 7, 1865	1,680 00	
Part No. 82, dated July 27, 1865	1,680 00	
Part No. 174, dated February 8, 1866	1,680 00	
No. 270, dated February 18, 1867	3,360 00	
No. 763, dated September 30, 1867	1,680 00	
No. 627, dated March 24, 1868	1,680 00	
		$18,480 00
No. 628, dated March 24, 1868—principal, $56,000 + interest, $567.17		56,567 17
		$75,047 17

Account closed.

Dr.

THE STATE OF OHIO, on account of the bonds of said State, Institution, under the 6th section of an act of Congress, approved for the uses specified in the last will and testament of James

Auditor's Report, No. 103,881:		Cost.	Par value.
For amount of one certificate of stock of said State, No. 3176, for $13,000, dated August 6, 1841, payable at the pleasure of the State after 31st December, 1860, bearing interest at 6 per cent. from 1st July, 1841, purchased per Warrant No. 9084, 7th August, 1841, at 94 per cent.—cost	$12,220 00		
Interest, 1st to 20th July, 1841, paid	43 33		
		$12,263 33	$13,000 00
For amount of one certificate of stock of said State, No. 3179, for $5,000, dated 7th August, 1841, payable at the pleasure of the State after 31st December, 1860, bearing interest at 6 per cent. from 1st July, 1841, purchased per Warrant No. 9107, 10th August, 1841, at 94 per cent.—cost	$4,700 00		
Interest from 1st to 20th July, 1841, paid	16 67		
		4,716 67	5,000 00
Cost, of which $60 is interest paid		$16,980 00	
Amount of principal			$18,000 00
For interest on said principal, $18,000, from 1st July, 1841, to 31st December, 1849, at 6 per cent.			9,180 00
			$27,180 00

No. 113,528:	
To amount due from said State, per Report No. 103,881	$18,000 00
To interest on $18,000, the principal of said bonds, from 1st January, 1850, to December 31, 1853, at 6 per cent.	4,320 00
	$22,320 00

Cr.

purchased as an investment of moneys belonging to the Smithsonian July 7, 1838, *in account with the Secretary of the Treasury, in trust, Smithson.*

By amount received for interest accruing on said bonds, covered by the following warrants in favor of the Treasurer, viz:	
Part of Warrant No. 1272, dated 31st March, 1842—deposit	$540 00
No. 1441, dated 9th July, 1842—deposit	540 00
No. 1666, dated 6th January, 1843—deposit	540 00
No. 1886, dated 6th July, 1843—deposit	540 00
Part of Warrant No. 2049, dated 4th January, 1844—deposit	540 00
No. 2255, dated 3d July, 1844—deposit	540 00
Part of Warrant No. 2446, dated 4th January, 1845—deposit	540 00
No. 2697, dated 30th September, 1845—deposit	540 00
Part of Warrant No. 2880, dated 19th February, 1846—deposit	540 00
Part of Warrant No. 3075, dated 31st July, 1846—deposit	540 00
No. 3442, dated 31st March, 1847—deposit	540 00
No. 3849, dated 30th September, 1847—deposit	540 00
No. 4273, dated 31st March, 1848—deposit	540 00
No. 4857, dated 30th September, 1848—deposit	540 00
No. 11, dated 15th January, 1850—deposit	540 00
No. 16, dated 3d August, 1850—deposit	1,080 00
	$9,180 00
By balance due from the State of Ohio:	
For principal of said bonds	18,000 00
	$27,180 00

By amount received for interest accruing on said bonds, covered by the following warrants in favor of the Treasurer, viz:		
No. 12, dated July 29, 1850	$540 00	
No. 1, dated January 9, 1851	540 00	
No. 5, dated July 8, 1851	540 00	
No. 2, dated January 9, 1852	540 00	
No. 3, dated July 7, 1852	540 00	
No. 3, dated January 6, 1853	540 00	
No. 34, dated July 30, 1853	540 00	
No. 22, dated January 17, 1854	540 00	
		$4,320 00
By balance due from the State of Ohio, 1st January, 1854, viz:		
For principal of said bonds		18,000 00
		$22,320 00

DR. *Ohio Account*—Continued.

Auditor's Report, No. 127,149:

To amount due from said State, per Report No. 113,528	$18,000 00
To interest on $18,000, the principal of said bonds, from 1st January, 1854, to December 31st, 1856, at 6 per cent.	3,240 00
	$21,240 00

No. 144,104:

To amount due from said State, per Report No. 127,149	$18,000 00
To interest on $18,000, the principal of said bonds, from 1st January, 1857, to July 1, 1862, at 6 per cent.	5,940 00
	$23,940 00

No. 146,395:

To amount due from said State, per Report No. 144,104	$18,540 00
	$18,540 00

Account closed.

Ohio Account—Continued. Cr.

By amount received for interest accruing on said bonds, covered by the following warrants in favor of the Treasurer, viz:		
No. 22, dated January 17, 1854	$540 00	
No. 3, dated July 8, 1854	540 00	
No. 3, dated January 4, 1855	540 00	
No. 28, dated July 19, 1855	540 00	
Part of No. 10, dated January 8, 1856	540 00	
Part of No. 14, dated July 8, 1856	540 00	
		$3,240 00
By balance due from the State of Ohio, 1st January, 1857:		
For principal of said bonds		18,000 00
		$21,240 00

By amount received for interest accruing on said bonds, covered by the following warrants in favor of the Treasurer, viz:		
No. 21, dated January 7, 1857	$540 00	
No. 41, dated July 18, 1857	540 00	
No. 24, dated January 9, 1858	540 00	
Part of No. 95, dated August 2, 1858	540 00	
Part of No. 15, dated January 7, 1859	540 00	
Part of No. 33, dated August 3, 1859	540 00	
Part of No. 10, dated January 5, 1860	540 00	
Part of No. 14, dated July 24, 1860	540 00	
Part of No. 67, dated November 6, 1861	1,080 00	
		$5,400 00
By balance due from the State of Ohio:		
For principal of said bonds	$18,000 00	
For interest	540 00	
		18,540 00
		$23,940 00

By amount received for interest accruing on said bonds, and covered by the following warrants in favor of the Treasurer, viz:		
Part of No. 18, dated January, 1862	$540 00	
Part of No. 181, dated September 9, 1862	540 00	
From which deduct amount of Warrant No. 22, improperly placed to the credit of said State in account per Report No. 127,149, the same having been previously credited per Report 113,528, $540		$540 00
Warrant No. 182 in favor of the Treasurer, dated September 9, 1862, for the principal of said bonds		18,000 00
		$18,540 00

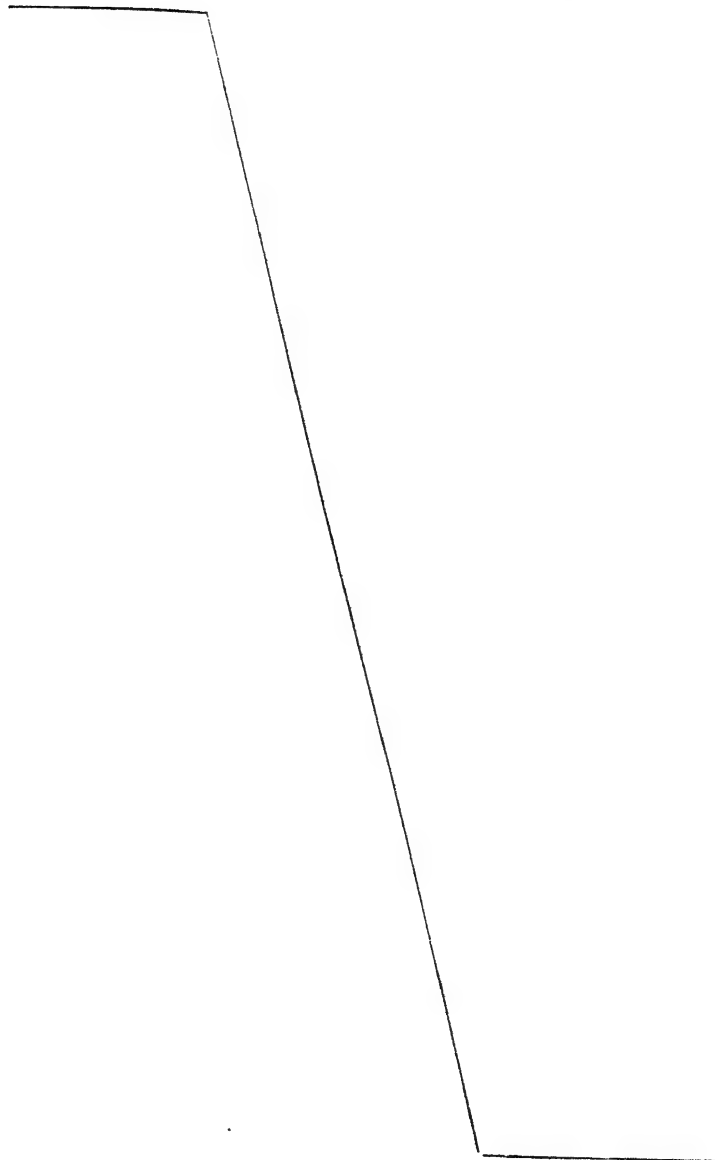
Account closed.

DR.

THE UNITED STATES, on account of stocks of the United States, Institution, under the 1st section of an act of Congress, approved in trust, for the uses specified in the last will and testament of James

		Cost.	Par value.
Auditor's Report, No. 103,880: To amount of certificate No. 66, dated ———, of the loan of 1841, bearing 5½ per cent. interest from 18th September, 1841, purchased per Warrant No. 9491, dated 27th September, 1841, at a cost of		$1,291 86	$1,291 86
To amount of the following certificates of the loan of 1842, redeemable after the 31st December, 1862, bearing 6 per cent. interest:			
No. 63, dated August 25, 1842	$540 00		
No. 64, dated August 25, 1842	17 76		
No. 65, dated August 25, 1842	540 00		
No. 66, dated August 25, 1842	38 04		
	$1,135 80		
Purchased per Warrant No. 2508, dated 27th August, 1842, at a cost of		$1,135 80	$1,135 80
No. 283, dated December 19, 1842	$480 00		
No. 284, dated December 19, 1842	7,842 79		
	$8,322 79		
Purchased per Warrant No. 3682, dated 29th December, 1842, at a cost of		8,322 79	8,322 79
No. 443, dated February 2, 1843	$113 05		
No. 444, dated February 2, 1843	540 00		
	$653 05		
Purchased per Warrant No. 4531, dated 31st March, 1843, at a cost of		653 05	653 05
No. 122, dated January 6, 1845, for $500, purchased per Warrant No. 488, dated 9th January, 1845, at a cost of		572 50	500 00
No. 193, dated January 13, 1845	$100 00		
No. 1121, dated January 13, 1845	1,000 00		
No. 1122, dated January 13, 1845	1,000 00		
	$2,100 00		
Purchased per Warrant No. 564, dated 14th January, 1845, at a cost of		2,404 50	2,100 00
		$13,088 64	$12,711 64
Carried over		$1,291 86	$1,291 86

CR.

purchased as an investment of moneys belonging to the Smithsonian
11*th September*, 1841, *in account with the Secretary of the Treasury,*
Smithson.

DR. *United States Account*—Continued.

		Cost.	Par value.
Brought forward		$1,291 86	$1,291 86
		13,088 64	12,711 64
No. 16, dated August 16, 1845	$3,000 00		
No. 786, dated August 16, 1845	5,000 00		
No. 1236, dated August 22, 1845	1,000 00		
No. 255, dated August 22, 1845	100 00		
No. 256, dated August 22, 1845	100 00		
No. 17, dated August 22, 1845	3,000 00		
No. 787, dated August 22, 1845	5,000 00		
	$17,200 00		
Purchased per Warrant No. 2694, dated 23d August, 1845, at a cost of		19,608 00	17,200 00
No. 1384, dated February 17, 1846	$1,000 00		
No. 171, dated February 17, 1846	500 00		
No. 304, dated February 17, 1846	100 00		
No. 305, dated February 17, 1846	100 00		
No. 306, dated February 17, 1846	100 00		
No. 307, dated February 17, 1846	100 00		
	$1,900 00		
Purchased per Warrant No. 4355, dated 19th February, 1846, at a cost of		2,066 25	1,900 00
No. 1514, dated July 31, 1846	$1,000 00		
No. 373, dated August 1, 1846	100 00		
No. 374, dated August 1, 1846	100 00		
No. 375, dated August 1, 1846	100 00		
No. 376, dated August 1, 1846	100 00		
No. 764, dated August 1, 1846	150 00		
	$1,550 00		
Purchased per Warrant No. 5839, dated 31st July, 1846, at a cost of		1,652 69	1,550 00
Cost		$36,415 58	
Principal of loan of 1842			$33,361 64
Carried over		$37,707 44	$34,653 50

United States Account—Continued. Cr.

DR. *United States Account*—Continued.

		Cost.	Par value.
Brought forward		$37,707 44	$34,653 50
The following certificates of the loan of 1843, bearing 5 per cent. interest, redeemable after 30th June, 1853:			
No. 1, dated January 1, 1844	$131 35		
No. 64, dated January 1, 1844	100 00		
No. 292, dated January 1, 1844	3,000 00		
No. 561, dated January 1, 1844	1,000 00		
	$4,231 35		
Purchased per Warrant No. 7198, dated 12th January, 1844, at a cost of		4,231 35	4,231 35
No. 2, dated January 15, 1847, of the loan of 1846, bearing 6 per cent. interest, redeemable 12th November, 1856	$6,200 00		
Purchased per Warrant No. 7662, dated 14th January, 1847, at a cost of		6,200 00	6,200 00
The following certificates of the loan of 1848, bearing 6 per cent. interest, redeemable after 1st July, 1868:			
No. 54, dated November 1, 1849	$50 00		
No. 131, dated November 1, 1849	100 00		
No. 367, dated November 1, 1849	10,000 00		
No. 368, dated November 1, 1849	10,000 00		
No. 1662, dated November 1, 1849	1,000 00		
	$21,150 00		
Purchased per Warrant No. 1088, dated 1st November, 1849, at a cost of		24,163 88	21,150 00
Cost and principal of stocks of 1841, 1842, 1843, 1846, and 1848		$72,302 67	$66,234 85
Amount of interest accruing on said stocks up to 31st December, 1849—			
On certificates of loan of 1841		$233 40	
1842		10,529 33	
1843		1,267 33	
1846		1,131 28	
1848		634 50	
			13,795 84
			$80,030 69

United States Account—Continued. CR.

By part of Warrant No. 2446, dated 4th January, 1845, in favor of the Treasurer, for amount of principal of certificate No. 66 of loan of 1841, redeemed		$1,291 86
By amount received for interest accruing on said stocks to 31st December, 1849, covered by the following warrants in favor of the Treasurer, viz:		
Part of Warrant No. 1272, dated 31st March, 1842	$17 76	
No. 1505, dated 25th August, 1842	38 04	
No. 1665, dated 3d January, 1843	113 05	
No. 1889, dated 20th July, 1843	363 11	
Part of Warrant No. 2049, dated 4th January, 1844	338 87	
Part of Warrant No. 2446, dated 4th January, 1845	331 79	
No. 2447, dated 4th January, 1845	24 84	
No. 2448, dated 7th January, 1845	303 35	
No. 2682, dated 23d August, 1845	592 91	
Part of Warrant No. 2880, dated 19th February, 1846	1,003 13	
Part of Warrant No. 3075, dated 31st July, 1846	1,060 13	
No. 3223, dated 13th January, 1847	1,121 91	
No. 4013, dated 10th February, 1848	2,585 26	
No. 4839, dated 14th July, 1848	1,292 63	
No. 17, dated 30th October, 1849	1,292 63	
No. 4, dated 5th January, 1850	1,927 13	
No. 24, dated 8th August, 1850	1,292 63	
No. 46, dated 6th September, 1850	121 51	
		13,820 68
By balance due from the United States, viz:		
Principal of stock of 1842	$33,361 64	
Principal of stock of 1843	4,231 35	
Principal of stock of 1846	6,200 00	
Principal of stock of 1848	21,150 00	
	$64,942 99	
Deduct amount of interest on $7,842.79, loan of 1842, from 13th to 31st December, 1842, twice paid and covered by warrant	24 84	
		64,918 15
		$80,030 69

DR. *United States Account*—Continued.

Auditor's Report, No. 113,527:		
To amount due from the United States, per Report No. 103,880, viz:		
Principal of stock of 1842	$33,361 64	
1843	4,231 35	
1846	6,200 00	
1848	21,150 00	
	$64,942 99	
Deduct amount of interest on $7,842.79, loan of 1842, twice paid by the United States and covered by warrant	24 84	
		$64,918 15
To interest on $60,711.64, the principal of the stocks of loans of 1842, 1846, and 1848 from 1st January, 1850, to 31st December, 1853, at 6 per cent.		14,570 79
To interest on $4,231.35, the principal of the stock of the loan of 1843, from 1st January, 1850, to 30th June, 1853, at 5 per cent.		740 47
To amount of 6 per cent. United States stock of the loan of 1848, purchased per Warrant No. 1766, dated January 28, 1850, at a cost of $2,491.50		2,200 00
To interest on $2,200 from 1st January, 1850, to 31st December, 1853, at 6 per cent.		528 00
To amount of same stock, purchased per Warrant No. 2728, dated June 6, 1850, at a cost of $3,341.62		2,850 00
To interest on $2,850 from 1st July, 1850, to 31st December, 1853, at 6 per cent.		598 50
To amount of same stock, purchased per Warrant No. 2736, dated June 10, 1850, at a cost of $2,989.88		2,550 00
To interest on $2,550 from 1st July, 1850, to 31st December, 1853, at 6 per cent.		535 50
To amount of same stock, purchased per Warrant No. 3105, dated August 19, 1850, at a cost of $5,393.13		4,650 00
To interest on $4,650 from 1st July, 1850, to 31st December, 1853, at 6 per cent.		976 50
To amount of 6 per cent. stock of the loan of 1846, purchased per Warrant No. 5854, dated November 19, 1851, and 6236, dated January 9, 1852, at a cost of $13,887.50		13,000 00
To interest on $13,000 from 1st July, 1851, to 31st December, 1853, at 6 per cent.		1,950 00
To amount of 6 per cent. stock of the loan of 1842, purchased per Warrant No. 9019, dated 29th March, 1853, at a cost of $16,923.38		14,700 00
To interest on $14,700 from 1st January to 31st December, 1853, at 6 per cent.		882 00
		$125,649 91

United States Account—Continued. CR.

By amount of Warrant No. 35, dated July 30, 1853, in favor of the Treasurer, for amount of principal of the following certificates of United States stocks redeemed of the loan of 1843, viz:		
No. 1, dated January 1, 1844	$131 35	
No. 64, dated January 1, 1844	100 00	
No. 292, dated January 1, 1844	3,000 00	
No. 561, dated January 1, 1844	1,000 00	
		$4,231 35
By interest from 1st January to 1st July, 1853		105 78
To amount of interest accruing on said stocks to 31st December, 1853, covered by the following warrants in favor of the Treasurer, as per statement of the Register of the Treasury herewith, viz:		
No. 2, dated July 5, 1850	$1,993 13	
No. 2, dated January 9, 1851	2,269 79	
No. 3, dated July 3, 1851	2,294 63	
No. 1, dated January 9, 1852	2,684 63	
No. 2, dated July 7, 1852	2,684 63	
No. 2, dated January 6, 1853	2,684 63	
No. 33, dated July 30, 1853	3,019 85	
No. 21, dated January 17, 1854	3,019 85	
		20,651 14
By balance due from the United States on the 1st of January, 1854, viz:		
Principal of stock of 1842	$48,061 64	
Principal of stock of 1846	19,200 00	
Principal of stock of 1848	33,400 00	
		100,661 64
		$125,649 91

DR. *United States Account*—Continued.

Auditor's Report, No. 127,153:		
To amount due from the United States, per Report No. 113,527, viz:		
Principal of stock of 1842	$48,061 64	
Principal of stock of 1846	19,200 00	
Principal of stock of 1848	33,400 00	
		$100,661 64
To interest on $100,661.64 from 1st January, 1854, to July 1, 1856	$15,099 25	
To interest on $81,461.64 from 1st July to December 31, 1856	2,443 85	
To interest on $19,200 from 1st July to November 12, 1856	422 61	
		17,965 71
		$118,627 35
No. 144,121:		
To amount due from the United States, per Report No. 127,153		$81,461 64
To interest on $81,461.64 from January 1, 1857, to December 31, 1861, at 6 per cent.		24,438 49
		$105,900 13
No. 146,403:		
To amount due from the United States, per Report No. 144,121		$83,905 48
To interest on $81,461.64, the principal of said bonds, from January 1 to December 31, 1862, at 6 per cent.		4,887 70
		$88,793 18

United States Account—Continued. CR.

By amount of Warrant No. 83 in favor of the Treasurer, dated November 13, 1856, for amount of principal of the stock of 1856 and interest thereon from July 1 to November 12, inclusive, 1856, viz:		
Principal	$19,200 00	
Interest	422 61	
		$19,622 61
By amount received for interest accruing on said stocks to 31st December, 1856, covered by the following warrants in favor of the Treasurer:		
No. 2, dated July 8, 1854	$3,019 85	
No. 2, dated January 4, 1855	3,019 85	
No. 29, dated July 19, 1855	3,019 85	
Part of No. 10, dated January 8, 1856	3,019 85	
No. 14, dated July 8, 1856	3,019 85	
No. 20, dated January 7, 1857	2,443 85	
		17,543 10
Balance due from the United States, viz:		
Principal of stock of 1842	$48,061 64	
Principal of stock of 1848	33,400 00	
		81,461 64
		$118,627 35
By amount of the following warrants in favor of the Treasurer for interest accruing on said stocks, viz:		
No. 40, dated July 18, 1857	$2,443 85	
No. 25, dated January 9, 1858	2,443 85	
No. 95, dated August 2, 1858	2,443 85	
No. 15, dated January 7, 1859	2,443 85	
No. 32, dated August 3, 1859	2,443 85	
No. 10, dated January 5, 1860	2,443 85	
No. 14, dated July 24, 1860	2,443 85	
No. 106, dated February 20, 1861	2,443 85	
No. 67, dated November 6, 1861	2,443 85	
		$21,994 65
By balance due from the United States:		
Principal of stock of 1842	$48,061 64	
Principal of stock of 1848	33,400 00	
Interest on said stocks	2,443 84	
		83,905 48
		$105,900 13
By amount received for interest accruing on said stocks and covered by warrants in favor of the Treasurer, viz:		
Part of No. 18, dated January 14, 1862	$2,443 85	
Part of No. 181, dated September 9, 1862	2,443 85	
Part of No. 27, dated February 11, 1863	1,002 00	
		$5,889 70
By balance due from the United States:		
Principal of stock of 1842	$48,061 64	
Principal of stock of 1848	33,400 00	
Interest on said stocks	1,441 84	
		82,903 48
		$88,793 18

DR.

*THE UNITED STATES, under the act to establish the "Smith-
men, approved August* 10, 1846, *in*

Auditor's Report, No. 103,882:

To amount of money belonging to said Institution, received into the Treasury on the 1st of September, 1838, and treated by 12th section of said act as lent to the United States Treasury at 6 per cent. interest, from said 1st September, 1838, payable in half-yearly payments on the 1st January and 1st July in each year	$515,169 00
To interest on said sum from 1st September, 1838, to 31st December, 1849—11⅓ years	350,314 42
	$865,483 42

CR.

sonian Institution" for the increase and diffusion of knowledge among account with the Smithsonian Institution.

By amount of the following warrants drawn on the Treasurer of the United States, in favor of the officers of said Institution, on account of interest accrued on principal of said fund, for the erection of suitable buildings, and for the current and incidental expenses of said Institution, viz:		
In favor of W. W. Seaton, Chairman of the Executive Committee and Disbursing Officer of the Board of Regents—		
No. 6252, dated September 16, 1846	$2,000 00	
No. 7220, dated December 21, 1846	2,000 00	
No. 8017, dated February 25, 1847	3,584 07	
No. 139, dated July 5, 1847	15,455 07	
No. 2034, dated January 15, 1848	15,455 00	
No. 4313, dated July 7, 1848	15,455 00	
No. 6823, dated January 5, 1849	15,455 14	
No. 112, dated July 5, 1849	15,455 07	
No. 1496, dated January 4, 1850	15,455 07	
	$100,314 42	
In favor of George M. Dallas, Chancellor and Disbursing Agent—		
No. 7938, dated February 7, 1847	250,000 00	
		$350,314 42
Balance due the Smithsonian Institution:		
Principal of said fund		515,169 00
		$865,483 42

PROPOSED APPLICATIONS OF SMITHSON'S BEQUEST.

Letter addressed by Hon. John Forsyth, Secretary of State, by direction of President Van Buren to Messrs. Thomas Cooper, South Carolina; Richard Rush, Philadelphia; Professor Francis Wayland, Providence, Rhode Island; Albert Gallatin, New York; Rev. Stephen Olin, Boydton, Virginia; Philip Lindsley, Nashville, Tennessee; Professor Davis, Charlottesville, Virginia.

DEPARTMENT OF STATE,
WASHINGTON, *July* 19, 1838.

SIR: By the will of James Smithson, late of London, deceased, property to a considerable amount was bequeathed to the United States, for the purpose, as expressed in the language of the will, of "founding at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men."

The United States having, under the authority of an act of Congress, approved the 1st of July, 1836, accepted the legacy, pledged their faith for the performance of the trust, in such manner as Congress may hereafter direct, and recovered the proceeds of the bequest, to the amount of about one hundred thousand pounds sterling, the President is anxious, in presenting the subject to Congress for their consideration and action upon it, to aid his judgment by consulting the views of persons versed in science and in matters relating to public education, as to the mode of applying the proceeds of the bequest, which shall be likely at once to meet the wishes of the testator, and prove most advantageous to mankind.

The President will be pleased to have, if agreeable to you to give it, the result of your reflections on the subject, communicated through this Department, at as early a day as convenient.

I am, sir, very respectfully, your obedient servant,

JOHN FORSYTH.

Letter from Thomas Cooper.

COLUMBIA, SOUTH CAROLINA, *July* 20, 1838.

SIR: With respect to the Smithson legacy, two courses only suggest themselves to my mind; one, annual premiums for the best treatises on given subjects, which we have not literary and scientific men enough to supply or to enter into anything like competition with the Bridgewater Treatises, and, therefore, we should only be disgraced by it; and, therefore, I cannot recommend this mode of application. Add to which, it would be very apt to degenerate into a political and party institution, in various ways. The other is an institution of the character of an university. I am well aware the power of erecting an university was twice refused to Congress, in the convention of 1787. But the objection may be gotten over by transferring the donation to the corporation of Georgetown, under such limitations as may be expedient and constitutional, and let an university be instituted by that corporation. This would be a sufficient approximation to Mr. Smithson's required locality, and would obviate the constitutional objection.

Such an university ought not to be opened, except to graduates of other colleges. The studies might be the higher algebraical calculus; the application of mathematics to practical mechanical knowledge of every description, and to astronomy, to chemistry, electricity, and galvanism; the principles of botany and agriculture. No Latin or Greek; no mere literature. Things, not words.

Strict attendance; strict and public examinations. I object to all *belles-lettres*, and philosophical literature, as calculated only to make men pleasant talkers. I object to *medicine*, which cannot be well taught in a locality of less than 100,000 inhabitants.

I object to *law;* for all that can be orally delivered can be more profitably and deliberately learnt by perusal. *Ethics* and *politics* are as yet unsettled branches of knowledge.

Whether physiology and political economy ought to be rejected, requires more consideration than I can at this moment bestow. I want to see those studies cultivated, which, in their known tendencies and results, abridge human labor, and increase and multiply the comforts of existence to the great mass of mankind. Public education should be useful, not ornamental.

The course should not be less than three years, of ten months each. The instruction afforded gratis; examinations

for admission rigid. Such, in few words, are my notions on this subject, which I respectfully submit, sir, to your better judgment.

Accept, I pray you, the assurances of my sincere and high consideration.

THOMAS COOPER, *M. D.*

HON. JOHN FORSYTH, *Secretary of State.*

Letter from Francis Wayland.

PROVIDENCE, *October* 2, 1838.

SIR: In reply to your communication dated July last, requesting my views respecting the Smithsonian Institute, I beg leave to state as follows:

1. It is, I suppose to be taken for granted, that this Institution is intended for the benefit not of any particular *section* of the United States, but for the benefit of the whole country; and, also, that no expense, which may be necessary in order to accomplish its object, will be spared.

2. I think it also evident, that there is no need, in this country, of what may be properly termed *collegiate* education; that is, of that education which may be given between the ages of fourteen or sixteen, and eighteen or twenty. All the old States, and many of the new ones, have as many institutions of this kind as their circumstances require. And, besides, since persons of the ages specified are too young to be, for a long period, absent from home, it is probably better that a large number of such institutions should be established within convenient distances of each other. The age of the pupils in these institutions would also render it desirable that very large numbers be not associated together.

3. It is probable that professional schools—that is, schools for divinity, law, and medicine—will be established in every section of our country. Divinity must be left to the different Christian sects; law will probably be taught in the State, or, at least, the district, in which it is to be practiced. The same will, I think, be true of medicine.

4. If the above views be correct, it will, I think, follow, that the proper place to be occupied by such an institution would be the space between the close of a collegiate education and a professional school. Its object would be to carry forward a classical and philosophical education beyond the point at which a college now leaves it, and to give instruc-

tion in the broad and philosophical principles of a professional education.

The demand for such instruction now exists very extensively. A very considerable portion of our best scholars now graduate as early as their nineteenth, twentieth, or twenty-first year. If they are sufficiently wealthy they prefer to wait a year before studying their profession. Some travel, some read, some remain as resident graduates, and many more teach school for a year or two, for the purpose of reviewing their studies. These would gladly resort to an institution in which their time might be profitably employed. The rapidly increasing wealth of our country will very greatly increase the number of such students.

The advantages which would result from such an institution are various. It would raise up and send abroad in the several professions a new grade of scholars, and thus greatly add to the intellectual power of the nation. But, specially, it would furnish teachers, professors, and officers, of every grade, for all our other institutions. As the standard of education was thus raised in the colleges, students would enter the national university better prepared. This would require greater effort on the part of its professors, and thus both would reciprocally stimulate each other.

The branches which should be taught there, I suppose, should be the same as in our colleges, only far more generously taught—that is, taught to men, and not to boys—and the philosophical principles of law and medicine. This would embrace lectures on Latin, Greek, Hebrew, and the Oriental languages; all the modern languages of any use to the scholar, with their literature; mathematics, carried as far as any one would desire to pursue them; astronomy, engineering, civil and military; the art of war, beginning where it is left at West Point; chemistry; geology; mining; rhetoric and poetry; political economy; intellectual philosophy; physiology, vegetable and animal; anatomy, human and comparative; history; the laws of nations; and the general principles of law, the Constitution of the United States, &c.

5. Supposing such an institution to be established, something may be added respecting the mode of its constitution and organization.

I suppose, then, that an institution of this kind is a sort of copartnership between the instructors and the public. The public furnish means of education, as building, libraries, apparatus, and a portion of the salary. The professors do the labor, and provide for the remaining part of their

income by their own exertions. Hence there arises naturally a division of the powers and duties of the parties. To the corporation, or governors, or trustees, or by what name they may be called, would belong the management of the fiscal concerns of the institution, and the control of that portion of its affairs which depended specially upon its relation with the public donation. The government of the institution, the conferring of degrees, the appointment of professors, would be performed jointly by the officers of instruction and the corporation.

In the English universities, the government of the institution is vested in a general meeting of the former graduates. This forms a literary public, which exercises ultimate jurisdiction in most matters which require deliberation. How far such an institution might be constructed upon this principle, may be fairly a question.

6. If the above-mentioned views should be adopted, it will be perceived that no funds will be required for dormitories. The young menwill provide for themselves board and lodging wherever they please, and the professors will be responsible for nothing more than their education. It is supposed that they are old enough to govern themselves.

Hence the funds may be devoted to the following purposes:

1st. A part would be appropriated to the creation of a library, cabinets, and for the furnishing of all the apparatus necessary to the instructors.

2d. A part to the erection of buildings for the above purposes, together with buildings for professors' houses.

3d. A fund would be established for the endowment of professorships, giving to each so much as may form a portion, say one-third or one-half, of his living, and the rest to be provided for by the sale of the tickets to his courses.

7. If the institution is governed by a board, this board should be appointed by the President and Senate, or by the President alone, and they should hold their office for no longer a period than six years, one-third of them retiring, unless reappointed, every two years.

8. Graduates of the university should be allowed to teach classes and receive payment for tickets, upon any of the subjects on which instruction is given in the regular course. This will prove a strong stimulant to the regular professors, and will train men up for teachers.

Degrees should never be conferred as a matter of course, but only after a strict and public examination. They should

never be conferred either in course, or *causâ honoris*, unless by the recommendation of the faculty.

I have thus very briefly, but as far as my avocations would allow, thrown together a few hints upon the subject to which you have directed my attention. That I should go into detail, I presume, was not expected. Whatever may be the plan adopted, I presume it will not be carried into effect until an extensive observation of the best universities in Europe has furnished the Government with all the knowledge which the present condition of the science of education can afford.

I have the honor to be, sir, respectfully, your obedient servant,

F. WAYLAND.

HON. J. FORSYTH, *Secretary of State.*

Letter from John Quincy Adams.

QUINCY, *October* 8, 1838.

SIR: I duly received your letter, dated in July last, expressing the desire of the President of the United States to consult the views of persons versed in science and in matters relating to public education, as to the modes of applying the proceeds of the Smithsonian bequest, to meet the wishes of the testator, and which may prove most advantageous to mankind, with a view to present to Congress the subject, for their consideration and action upon it.

Having been the chairman of the committee of the House of Representatives, and reporter of the bill which became the act of July 1, 1836, relating to this bequest, in which act the faith of the United States is pledged for the application of the funds, placed by the founder of this Institution at their disposal, to the promotion of the great object of his munificence, *the increase and diffusion of knowledge among men*,—I have waited with anxious expectation the consummation of the first requisite for the accomplishment of the purpose,—the recovery of the fund itself, aware that, until that should be effected, all speculation upon the most suitable appropriation of the proceeds would be premature. It is with the warmest satisfaction that I have learned the successful attainment of this preliminary end.

When, at the last session of Congress, provision was made, by the sixth section of an act making appropriations for the West Point Academy, for the temporary investment

of the Smithsonian bequest, I regretted, first, that this provision was made not in a separate bill, but as an appendage to one with which it had no proper connection; secondly, that the investment should be directed in stocks of States; and, thirdly, that it should give to the Secretary of the Treasury a discretionary power to invest the fund, at a yearly interest of five per cent., at the very time when the Government itself of the United States was issuing Treasury notes at the rate of six per cent. Whatever may have been the occasion or the design of these arrangements, it was impossible to evade the remarks, that here was a deduction of one per cent. a year from the free gift of a noble-minded foreigner, for the most exalted of purposes, to bestow it, at the discretion of the Secretary of the Treasury, upon some favorite *State.* This did not appear to me to be an appropriation of the fund to the increase and diffusion of knowledge among men, nor did it lead me to augur very well of the sequel.

This, however, was but a temporary investment of the fund, which, I was willing to hope, would under no consideration be made permanent. In the report of the committee to the House of Representatives, accompanying the bill which authorized the President to take the necessary measures for recovering the fund, I had set forth, in very explicit language, my sense of the *duties* which devolved upon the Government of the United States by their acceptance, in behalf of the nation, of this bequest; and, with the same views, I introduced into the bill a pledge of the faith of the United States, that the fund should be applied to the generous purpose of the testator.

Before leaving Washington last July, I took the liberty of calling upon the President, and of expressing to him my earnest hope that, in the interval before the next session of Congress, he would be prepared with some plan for the permanent safe keeping and security, *unimpaired*, of the fund itself, by an investment which would yield a certain income as large as the ordinary interest of the country, and for appropriating that income to the object of the testator—the increase and diffusion of knowledge among men.

I was kindly received by the President, who assured me of his readiness to take into consideration any suggestions which I might be disposed to make on the subject, or those of any other person whom I might recommend.

Thus encouraged, I gave him freely the views which I entertained with regard to fixing the permanency of the fund, *unimpaired*, and to suitable objects of application for

its *annual income.* The opinions which I gave were general, and of course not matured. Further reflection since that time has but slightly modified them, and I have not since had the opportunity of consulting with any person in my own judgment qualified to give counsel, at once judicious and *perfectly disinterested,* for the disposal of the fund.

The provision made at the last session of Congress was made merely for an investment for a few months, that the fund should, after the arrival of the money in this country, not remain unoccupied, even until the next session of Congress. The object now first deserving attention will be to secure the permanency of the fund *entire;* for which purpose, I must indulge the hope that it will not be intrusted to *any* bank, nor loaned upon *any* pledge of State stocks.

I should greatly prefer that it should be disposed of as was the fund of one hundred thousand dollars which had been held by the President of the United States, in trust for an annuity of six thousand dollars, payable to the Seneca Indians. By the act of February 19, 1831, the whole fund was placed to the credit of the Department of War, and the duty of making the annual payment to the Seneca tribe was assigned to the Secretary. In the present case, the whole fund might pass to the credit of the Treasury of the United States, and the annual payment be directed to be made by the Secretary of the Treasury. The fund of course to be redeemable at the discretion of Congress, and otherwise invested for the objects of the Institution.

This would give an annual appropriation of 30,000 dollars, and, to keep the fund permanently unimpaired, the annual appropriation should be confined to that sum.

I think that no part of the money should be applied to the endowment of any school, college, university, or ecclesiastical establishment; to no institution for the education of youth, for that is a sacred obligation, binding upon the people of this Union themselves, at their own expense and charge, and for which it would be unworthy of them to accept an eleemosynary donation from any foreigner whomsoever. Nor do I believe it to have been strictly within the intention of the testator. For the immediate object of the education of youth is not the increase and diffusion of knowledge among men, but the instruction of children in that which is already known. Its result is doubtless to diffuse, and may be to increase, knowledge among men; and so is apprenticeship to trades, and so is the tillage of the ground; and so was to the ancient shepherds of Egypt and Chaldea the nightly keeping of their flocks, for it enabled

them, by the habitual observation of the stars, to trace their courses to some of the sublimest discoveries of astronomy.

Nor could the application of the fund to any ecclesiastical or religious establishment be a proper fulfilment of the testator's intention. The people of the United States have also religious duties to perform, for the charge and discharge of which they should not consent to be tributary, even in gratitude, to the bounty of any foreigner. The preaching of the gospel, like the education of youth, promotes the increase and diffusion of knowledge; but the worship of God, and the fulfilment of moral duties to man, the special object of religious institutions, do not so much import the increase of knowledge as the right use of what is known.

I suggested to the President that annual courses of lectures on the principal sciences, physical and mathematical, moral, political, and literary, to be delivered not by permanent professors, but by persons annually appointed, with a liberal compensation for each course, were among the means well adapted to the end of increasing and diffusing knowledge *among men*.

But the great object of my solicitude would be to guard against the cancer of almost all charitable foundations—jobbing for parasites, and sops for hungry incapacity. For the economical management of the fund, and the periodical application of it to appropriate expenditures, it should be invested in a board of trustees, to consist partly of members of both Houses of Congress, with the Secretaries of the Departments, the Attorney General, the Mayor of the city of Washington, and one or more inhabitants of the District of Columbia, to be incorporated as trustees of the Smithsonian fund, with a secretary and treasurer in one person, and to be the only salaried person of the board; to be appointed for four years, and to be capable of reappointment, but removal for adequate cause by a majority of the board. Into details it is unnecessary to enter.

The first object of appropriation, however, in my judgment, should be the erection of an astronomical observatory, for all the purposes of the Greenwich Observatory, in England, and the *Bureau des Longitudes*, in France. This alone would absorb the annual income of the fund for seven years and will form the subject of another letter.

I am, with great respect, sir, your very obedient servant,

JOHN QUINCY ADAMS.

JOHN FORSYTH, Esq.,
Secretary of State of the United States.

Letter from John Quincy Adams.

QUINCY, *October* 11, 1838.

SIR: I have reserved for a separate letter what I proposed to say in recommending the erection and establishment of an astronomical observatory at Washington, as one and the first application of the annual income from the Smithsonian bequest, because of all that I have to say I deem it by far the most important, and because having for many years believed that the national character of our country demanded of us the establishment of such an institution, as a debt of honor to the cause of science and to the world of civilized man. I have hailed with cheering hope this opportunity of removing the greatest obstacle which has hitherto disappointed the earnest wishes that I have entertained of witnessing, before my own departure for another world, now near at hand, the disappearance of a stain upon our good name, in the neglect to provide the means of increasing and diffusing knowledge among men, by a systematic and continued scientific series of observations on the phenomena of the numberless worlds suspended over our heads—the sublimest of the physical sciences, and that in which the field of future discovery is as unbounded as the universe itself. I allude to the continued and necessary expense of such an establishment.

In my former letter I proposed that to preserve entire and unimpaired the Smithsonian fund, as the principal of a perpetual annuity, the annual appropriations from its proceeds should be strictly confined to its annual income. That, assuming the amount of the fund to be five hundred thousand dollars, it should be so invested as to secure a permanent yearly income of thirty thousand; and that it should be committed to an incorporated board of trustees, with a secretary and treasurer, the only person of the board to receive a pecuniary compensation from the fund.

On the 18th of March, 1826, Mr. C. F. Mercer, chairman of a select committee of the House of Representatives of the United States, reported to that House a bill for the erection of a national observatory at the city of Washington, together with sundry documents containing estimates of the cost of erecting the buildings necessary for such an establishment, for the instruments and books which it would require, and for the compensation of a principal astronomer, two assistants, and two attendants. These estimates of expense were, however, prepared upon the principal of providing the establishment at the smallest possible expense—

to which end it was proposed that it should be attached to the Engineer's office, in the Department of War, and that the mathematical and astronomical instruments already belonging to that Department should be transferred to the use of the observatory. All this must of course be otherwise arranged, if the President and Congress should approve the proposal of establishing the observatory on the Smithsonian foundation. But that document contains much valuable information, which may be made available whenever an observatory shall be erected. It is No. 124, House documents of the first session of the 19th Congress.

In the estimate of expenses at that time, by the Chief Engineer, he assigned for the necessary buildings only 14,500 dollars. But as it is desirable that the principal building, the observatory itself, should be, for the purposes of observation, unsurpassed by any other edifice constructed for the same purposes, I would devote one year's interest from the fund to the construction of the buildings; a second and third, to constitute a fund from the *income* of which the salaries of the astronomer, his assistants and attendants, should be paid; a fourth and fifth, for the necessary instruments and books; a sixth and seventh, for a fund from the income of which the expense should be defrayed of publishing the ephemeris of observations, and a yearly nautical almanac. These appropriations may be so distributed as to apply a part of the appropriation of each year to each of those necessary expenditures; but for an establishment so complete as may do honor in all time alike to the testator and his trustees, the United States of America, I cannot reduce my estimate of the necessary expenses below two hundred thousand dollars.

My principles for this disposal of the funds are these:

1st. That the most complete establishment of an astronomical observatory in the world should be founded by the United States of America; the whole expense of which, both its first cost, and its perpetual maintenance, should be amply provided for, without costing one dollar either to the people or to the principal sum of the Smithsonian bequest.

2d. That by providing from the income alone of the fund, a supplementary fund, from the interest of which all the salaries shall be paid, and all the annual expenses of publication shall be defrayed, the fund itself would, instead of being impaired accumulate with the lapse of years. I do most fervently wish that this principle might be made the fundemental law, now and hereafter, so far as may be practicable, of all the appropriations of the Smithsonian bequest.

3d. That, by the establishment of an observatory upon the largest and the most liberal scale, and providing for the publication of a yearly nautical almanac, knowledge will be diffused among men, the reputation of our country will rise to honor and reverence among the civilized nations of the earth, and our navigators and mariners on every ocean be no longer dependent on English or French observers or calculators, for the tables indispensable to conduct their path upon the deep.

In the document to which I have above referred, there is a letter from Mr. de Wallenstein, then attached to the Russian legation in this country; a report from Major Kearney, of the topographical engineers; and extracts from a memoir of Mr. Francis Baily, respecting a new method of determining the longitude; all of which contain precious information, both of facts and of encouragement to the application of a strenuous and persevering effort, on the part of the Government of the United States, to contribute their effective aid, by this establishment, to the progress of physical and mathematical science. When the opportunity for this is afforded by the munificence of a foreigner, without needing the taxation of a dollar upon the people, I cannot forego the hope that this opportunity will not be lost, believing that, of all the physical sciences, there is none for the cultivation of which brighter rewards of future discovery are reserved for the ingenuity and industry of man, than practical astronomy.

There is appended to the same Congressional document a memorial to Congress from William Allen, president of Bowdoin College, and sundry other distinguished citizens of the State of Maine, praying for the establishment, at the charge of the nation, of an astronomical observatory in the town of Brunswick, in that State; and a memorial of Mr. Hassler, recommending two observatories—one in Maine and one in Louisiana. The memorial from Maine urges with great force and elegance some of the general considerations pointing to the usefulness and importance of an astronomical observatory in the western hemisphere. But it is doubtful, at least, whether any application of the Smithsonian bequest can, in fulfillment of the testator's will, be located otherwise than in the city of Washington; and if hereafter Congress should ever be disposed to appropriate any portion of the national funds to these elevated purposes, observatories may be erected in Maine, or Louisiana, or both, which may be auxiliary to the labors of the

Smithsonian Institution at Washington, without in any manner interfering with its pursuits.

If the President should approve and give the weight of his recommendations to those suggestions, I have no doubt they will receive the sanction of Congress at their next session. As I propose the appropriation for seven successive years of all the income from the fund to this special object, there will be ample time for considering the best manner of appropriating the same income afterwards to permanent establishments for *increasing and diffusing knowledge among men.* Nothing could be more easy than to dispose of a fund ten times as large, without encroaching upon the proper sphere of any school, college, university, or academy. Not so easy will it be to secure, as from a rattlesnake's fang, the fund and its income, forever, from being wasted and dilapidated in bounties to feed the hunger or fatten the leaden idleness of mountebank projectors, and shallow and worthless pretenders to science.

Since I began this letter, I have conferred with Mr. Bancroft, the collector of the customs at Boston, concerning its object, who has promised to communicate his views of the subject to the President. I may, perhaps, after consultation with others, again address you in relation to it before my departure for Washington.

I am, very respectfully, sir, your obedient servant,

JOHN QUINCY ADAMS.

JOHN FORSYTH, Esq.,
Secretary of State of the United States, Washington.

Letter from Richard Rush.

SYDENHAM, NEAR PHILADELPHIA, *November* 6, 1838.

SIR: Referring to your letter of July, the receipt of which I had the honor to acknowledge, and desiring now to meet the wishes it conveys, however sincerely distrustful I am of myself in attempting the task, I proceed to remark: That a university or college, in the ordinary sense, or any institution looking to primary education, or to the instruction of the young merely, does not strike me as the kind of institution contemplated by Mr. Smithson's will; declaring it, in language simple, yet of the widest import, to be "for the increase and diffusion of knowledge among men," and making the United States the trustee of his intentions, it seems to follow that it ought to be as comprehensive as

possible in its objects and means, as it must necessarily be national in its government. In turning my thoughts to the subject, it is, therefore, only upon a basis the most comprehensive, under all views, that I can think of any general plan for its organization. Hence it appears to me:

1. That even officers of the United States, abroad and at home, might be made subservient to some of the main objects of the institution—as their consuls, naval and military officers; and, I would add, their foreign ministers.

Consuls, by their residence in foreign ports, have opportunities of becoming acquainted with the natural history and productions of the places where they reside, and learning other things useful to be known. This class of officers had instructions, at a former period of the Government, to send home seeds, plants, and other productions, beneficial to agriculture, manufactures, or any of the useful arts. But their efforts were frustrated or impeded for want of a fund to defray incidental expenses, which, however small, constitutional scruples existed against providing. The Smithsonian fund might supply the means of renewing such instructions, giving to them more scope as well as efficacy.

Our naval officers, those especially in separate commands on foreign stations, must have opportunities of gaining knowledge in other spheres than those to be filled by their usual reports to the Navy Department; and the same may be said of officers of the army, in regard to the War Department. Many of the latter, by their stations at garrisons, or employment otherwise in remote and unexplored parts of our country, have the means, as past instances testify, of collecting facts bearing upon its geology, its natural history in all branches, its antiquities, and the character of its aboriginal races; the communication of which might advantageously fall in with the purposes of this institution, and be ultimately promulgated through its instrumentality.

I propose to include, also, ministers plenipotentiary among the functionaries who might serve the institution, and, through it, the general public, on this occasion. By their power of commanding the best intercourse in the several communities to which they are sent, they may open to themselves avenues to knowledge of all kinds; the transmission of which to the institution, under executive instructions to that effect, might often prove of high value. It would not be expected from them but at convenient intervals, and never when interfering with their primary duties. When an appropriate channel was opened for receiving communications of this nature, they would become, it may

be presumed, an agreeable appendage to the primary duties of our ministers, affording a resource for their leisure, with opportunities of a more enlarged usefulness to their country, and fame to themselves. Permanent missions were once objected to by Mr. Jefferson, as not within the true theory of our foreign intercourse, which seems to countenance the more a proposal for connecting with them the honorable appendage suggested, since neither official dignity nor usefulness can ever be impaired, though both may be heightened, by co-association with knowledge in other fields.

2. A building to be erected at Washington, with accommodations for the business of the institution. Ground to be attached to it, sufficient for reproducing seeds and plants, with a view to diffusing through the country such as might be found to deserve it. The officers of the institution to be a director, a secretary, a librarian, and a treasurer. Persons to be under them to take care of the building and grounds. The officers to be appointed by the President and Senate. The director to make an annual report to Congress on the state of the institution, and oftener if necessary. Its affairs to be subject to the visitation of the President, aided by a standing board, to consist of the chief officers of the Government, say, taking the example of a law already in the statute book in relation to the finances, the Vice-President, the Chief Justice, the Secretaries of State and the Treasury, and the Attorney General. The institution to have its press, as the University of Oxford, or otherwise authority to employ one for printing communications sent to it, and the lectures to be presently mentioned. Nothing to be printed but under the sanction of the director and standing board of visitors. To this and other ends, for the good government of the institution, the standing board to have the right to call in the assistance of three or more scientific or literary persons unconnected with it. The profits arising from all publications to go in aid of the funds of the institution. Communications from learned societies, or from individuals eminent in science or letters, in whatever part of the world, to be received by the director, and taken charge of by the secretary. The director to be authorized to correspond with any such societies or persons. A council to assemble once a month, to consist of the officers of the institution and the lecturers attached to it, before which all communications to be laid. Order to be then taken upon them. Such as go upon the archives, with a view to the question of publication, to be brought under the consideration of the standing board of visitors at the proper time,

when that question will be decided. The director to preside at these councils, at the meetings of the standing board of visitors, and at all other meetings required by the business of the institution; and the secretary to keep the minutes. The standing board of visitors to hold stated meetings twice a year, and assemble on other occasions when they deem it necessary. At the commencement of the institution, the duties of librarian and treasurer to be united in the same person.

3. Lectureships to be established, comprehending as many of the leading branches of physical and moral science as the funds of the institution may be able to bear. Apparatus to be provided for the branches requiring it. One of the lectureships to be dedicated to government and public law. When conflicting opinions on government are raging in the world, to have the democratic principle, as modified by our systems of representation, and the conjoint workings of the federative and national principle, illustrated in elementary disquisitions, apart from temporary topics and passions, is a desideratum which the Smithsonian Institution might supply. Such productions seem due to mankind, as to ourselves, imperfectly described as our institutions have been, through adverse feelings in the writers; it having generally fared with us as the cause of Roman liberty fared in the hands of royal historians. Rarely can foreigners, however enlightened, be equal to the task of justly analyzing the complicated movements, unintelligible to hasty observers, yet full of harmony, that maintain the order, prosperity, and freedom, of this great confederated republic, under guards combining the efficacy of popular sovereignty with its safety. Authentic explanations of them, all issuing from this institution, at an age when steam is quickening all intercourse throughout the world, would give new motives for listening to the doctrines and results of the democratic principle in this hemisphere. So expounded, it would go before the world without disparagement, and be fairly judged by its results. Under public law, the tenets of America, now locked up in diplomacy, or otherwise hidden or overlooked in Europe, might come into useful publicity; her proposals to Europe to abolish privateering, and prohibit public ships from capturing merchant vessels upon the ocean, thus forever stripping war of more than half its evils upon that element—a stride in civilization to transcend, whenever it may be made, the West India abolition act; her resistance, single-handed, against the enforcement of British municipal law upon the ocean, as seen in the individual miseries and

national violations involved in the feudal claim of impressment, and her desire, shown in other ways, for freeing the international code from barbarous relics, whereby this institution, working in its orbit of calm discussion, might become the ally of America towards gaining for these great public benefactions, and others, the growth of our institutions, in our days, (so maligned for retaining the domestic servitude bequeathed to them by our progenitors,) favor and acceptance among nations. The steady abhorrence expressed by this Government against employing savages in warfare between civilized and Christian States, and its abortive negotiations to prevent it, would further illustrate the harmonizing policy of America. Such are samples of the maxims that might claim elucidation from an institution reared under the sanction of this republic, and thence, by the principle of its existence, desirous of doing justice to them, examined in juxtaposition with those taught in the ancient and cloistered seminaries of the old world, and upheld by its Governments.

The other lectureships, and the foregoing, might be made to yield, each in its proper field, contributions to "the increase and diffusion of knowledge among men." I am aware that voluntary lectureships have not always been found to succeed. But in the foundation of these, considering the time and all concomitant circumstances, there seems reasonable ground for anticipating success. The plan would imply that the lecturers be also appointed by the President and Senate. It would imply that their salaries be ample enough to command the best men, and admit of the exclusive devotion of their time to the studies and investigations of their posts. They might even be laid under the restriction of not engaging in other pursuits, as our laws interdict the revenue officers from trading. Genius being of all countries, and the intentions of the founder peculiarly expanded, the range of our own and other countries would be open for selecting the incumbents. The desire of fame, increased by the hope of their lectures being published, might be expected to stimulate them to exertion; and if incentives so high were wanting, the tenure of their appointments, where the Executive and public eye would be upon them, would act as a guard against slackness in their duties. If knowledge is power, power, directing knowledge, may make it efficacious. The place where the lectures were delivered would impart to them interest and dignity. If delivered when Congress was in session, and not recurring too often, some of the members might be ex-

pected occasionally to attend; as a change from the turmoil of politics, and possibly a good influence on legislation itself, might grow out of these new intellectual elements gathering about its precincts. To the public functionaries of all sorts, to distinguished foreigners, and to visitors at Washington, as well as its resident inhabitants, the Smithsonian lectures might prove attractive. It will have been their lot, if established, to spring up when stupendous agents in nature, and new contrivances in art, are changing the state of the world, in peace and for war; when this country is taking a conspicuous share in these magnificent innovations, which some of the lectures would doubtless treat of, and when the successful results of its popular institutions hitherto are among the causes at work in modifying the political and social condition of other nations. Can it be that, delivered under such circumstances, they would be devoid of interest? Centering in the capital of the Union, to which the eyes of the States are apt to turn with a curiosity both natural and ambitious, may not these lectures do their part also, if recommended by ability, towards raising up among us new homage to mental accomplishments and renown, those memorials of a nation's glory, when others perish?

Each lecturer, at the conclusion of his course, to deposit with the director a copy of his lectures. These to be published, or not, as determined by the board of visitors. Hence, if the audience in the lecture-rooms proved, after all, to be inconsiderable, the publication of the lectures, when of merit to authorize it, would be fulfilling the intentions of the founder, and the prospect of publication be sufficient to keep up the spirit of the lecturer. We have heard of the Bridgewater Treatises, in England, emanating from the provisions of a munificent will. Perhaps it might not be too sanguine to anticipate, in good time, from the Smithsonian lectures, disquisitions doing honor to their authors, and, let it be hoped, to their country, whilst diffusing knowledge among men every where. We have seen, also, the publications that issue from those recently formed associations that hold their annual meetings in Europe, and seem to have made science a fashion there, enrolling statesmen, and nobles, and kings, among its votaries. May not the Smithsonian Institution mark an occasion for our country to start in this rivalry of mind? The race among nations is going on, of wealth, of power, and of science; the two first extending as the last extends. An immense achievement, which the present year has finally

witnessed, the crossing of the Atlantic by steam, is a revolution in human affairs. Distance, once an element in our safety, as in all our relations with the old world, and the basis on which rested essential maxims in our policy, has disappeared. Europe has suddenly become neighbor to us, for good and for evil, involving consequences that baffle all foresight. Our statesmen must wake up to the mighty change. There is no time to lose. They will have to ask themselves what are the parts of our policy to be accommodated to the change. Our men of science, feeling new excitements from this approximation of the hemispheres, will naturally be on the alert, growing more emulous in their several fields. The continent that Columbus found was a desert, or overspread with barbarous people and institutions. The continent that steam has found teems with civilization, fresh, advancing, and unavoidably innovating upon the old world. The statesmen, the warriors, the active and enterprising men, the whole people of the two worlds, now almost confront each other. It is at such a point in the destinies of America that the Smithsonian Institution comes into being. By their physical resources and power, the United States are well known. Their resources of intellectual and moral strength have been more in the back ground; but may not an auspicious development of them be aided by an institution like this, rising up in their capital simultaneously with this new condition of things, guarded, as it will be, by the annual watchfulness, fostered by the annual care, and improved, from time to time, by the superintending wisdom of Congress?

The usefulness of the institution would doubtless be increased, if young men could be regularly educated at it. But here imperious obstacles seem to interpose. If I only, in conclusion, touch this part of the plan, without dilating upon it, it is from a fear that the fund would not bear their maintenance, in connection with what has seemed to me other indispensable objects. Perhaps a limited number who had passed the age of 18, taken equally from the different States, say two from each, under the federative principle, might come to the institution, be formed into a class, and attend its lectures for a couple or three courses; their expenses to be paid under such restrictions as the Government might prescribe, and the young men to undergo public examinations at the end of the term, prize medals being awarded by the board of visitors or a committee of Congress, to keep the tone of ambition high. But would the fund bear even this? Again, I fear not.

In the foregoing suggestions as to the nature of the institution, sent to you in compliance with the President's call, I have confined myself to a very general outline and a few reflections. The subject has many aspects, and I have dealt only with some of them, and those partially. It is intrinsically one on which much diversity of opinion may be expected to prevail, and that hardly any discussion could exhaust. However honored by the President's call, and desirous of responding to it adequately, I have felt incompetent to the task of going into the arrangements in detail necessary to the complete organization of an institution, designed by its philanthropic founder to be so universal in its scope, so far-reaching in its benefits. It ought to have all the simplicity compatible with its ends; but these are momentous, since they may run, by their effects into distant ages. It is like a new power coming into the republic—its means the human mind; its ends still the triumphs of the mind; its fields of glory beneficent and saving—a power to give new force to the moral elements of our institutions, helping to illustrate, strengthen, and adorn them. Such, in my humble conception, it is, or may be made. Even as to the brief outline I venture upon, for the plan of such an institution, I must repeat how greatly I distrust myself, sketched as it has been, without consultation with others, giving their thoughts to the same subject, who might have corrected, modified, and improved, my own. If any of these can be turned to the least profit in abler hands, or serve to start better ones in better minds, I shall be amply rewarded.

I beg to add that this communication would have been sooner sent to you, but for interruptions incident to the first month or two after returning to my home after a two years' absence.

With great respect, I have the honor to be your obedient servant,

RICHARD RUSH.

To JOHN FORSYTH,
Secretary of State of the United States.

Letter from S. Chapin.

COLLEGE HILL,
WASHINGTON, D. C., *November* 26, 1838.

SIR: In an interview I had with you sometime since, you desired me to express my views respecting the anticipated

Smithsonian Institution. I will therefore attempt to do so, though conscious of my inability to do justice to a subject so important in its character and relations. If it be wisely organized, and supplied with a corps of distinguished professors in the various departments of learning, it will affect not only the highest interests of our country, but its influence will be felt in foreign lands. Let it go up in a character worthy of its liberal founder, let it be sustained with the zeal and liberality becoming the object and our own reputation, and it will add to our national points of union: in these we are not very rich, and, therefore, should be glad to multiply them, to bind together more firmly the elements of the American confederation. The object of the contemplated institution is "the cultivation and diffusion of knowledge among mankind." This object, I believe, is distinctly expressed in the will of Mr. Smithson. In making his will, he probably had his eye upon those modern institutes and universities of Europe, which are designed, not to teach the first elements of science and letters, but to receive graduates, and men looking forward to professional eminence, for the purpose of advancing them to the highest grades of learning, and thus to give them power to enlarge the boundaries of knowledge, by fresh discoveries and investigations. We may conclude, then, that he intended his bequest should be applied to the erection of an institution for liberal and professional purposes, and for the promotion of original investigations—to carry scholars through a range of studies much above those of the ordinary collegiate course. I am happy to know that this is the opinion of John Quincy Adams, a gentleman whose judgment in the present case is entitled to all respect.

Admitting that this is to be its object, it is natural to inquire, in the next place, how it should be organized, so as most fully to promote this design. In organizing it, respect should be had to the spirit of the present age, to the genius of our Government, and to our peculiar wants as a nation. It is of vital moment that it should receive such a shaping as will best correspond with all the particulars. Many of the institutions of learning in Europe, in rigidly adhering to systems of government and instruction settled for ages, altogether different from our own, do not send forth men fitted to meet the exigencies of modern society. Though richly endowed, and supplied with teachers of great powers and attainments, they serve for little else than to show the strength of the current that is setting by them. We, at this day, and especially in this country, need men who are

acquainted with something better than the learning of the ancient schools, men who have studied profoundly the relation of scientific principles to practical purposes, and who can teach their fellow-men how to apply them in advancing the public welfare.

The general superintendence of the institution may be committed to a board of commissioners, appointed by Government, to hold their offices during good behavior, and with power to perpetuate their existence. In this way, the institution would not only be free from the evils of frequent changes and political agitations, but would secure to itself, in the highest degree, the benefits of personal obligation. These commissioners would feel a deep sense of their responsibility, and that their powers and permanency in place were given to them that they might have the best opportunity to make the institution what it ought to be—a distinguished honor to their country, and a blessing to the world.

Let this board of commissioners procure the best men that can be found to fill the several professorships that may be instituted; and, in order to secure the services of men of the first powers and attainments, to lecture and conduct investigations in their appropriate departments, let their several means to facilitate their studies be ample, and their stated salaries liberal; and then its public course of lecturing will be most fully attended, numbers being allured both by the fame of the professors and the lightness of the fees. It was in consequence of high salaries that the University of Gottingen, in the 18th century, rose to the first eminence in Germany.

As the funds are not now, nor are they likely to be for some time to come, sufficient to support professorships in the whole circle of science, it will be necessary to make a selection. The temptation will be to undertake too much. A few chairs, well filled and well sustained, would effect more than a number far greater than there are adequate means to snpport. In deciding upon the branches of knowledge to be taught, I would select those that would make the institution as much *American* as a regard for general science will allow. In addition to the ordinary professorships of law, of medicine, of the exact sciences, and physics, of classical literature, and of modern languages, &c., I would have one of the English literature, one of American history, one of American constitutional law and jurisprudence, one of American institutions, one of civil engineering and architecture, one of the practical application of the exact sciences to the mechanic arts.

You will perceive that I have said nothing about professorships in the department of metaphysics. I would rather leave the whole business of ethical and moral philosophy to be taught elsewhere, than to introduce it as a distinct course in a national institution of learning.

Some of the above professorships are of a local and novel character; but this, I trust, will not be urged as an objection against them. The achievement of our independence formed an epoch in the political world. Let, then, the institution of this, our first national university, form an epoch in the republic of science. Much might be said in recommending the branches appropriate to our country. They are such as ought to be adopted, out of a regard to our reputation and to our present wants and future prospects. What have we done, as yet, to enrich and improve our own tongue? Besides, when we consider that the English language imbodies, perhaps, richer treasures of science and literature than any other, and when we consider that it is spoken by two of the most commercial, enterprising, and powerful nations upon the earth—nations which are doing more than any other two that can be named, in forming colonies, and in diffusing knowledge and the light of Christianity—how powerful is the motive to cultivate and carry it to the highest state of refinement and power.

With regard to buildings, it may be remarked that it would be wisest to erect no more than are necessary for the library, the apparatus, a cabinet of minerals, collection of models, specimens, curiosities, &c., for the accommodation of the professors when lecturing or engaged in their investigations. The scholars, instead of eating in common, might be accommodated in private boarding houses. If this course be pursued, the interest which has accrued and which will accrue on the bequest, before the institution can be organized, will probably be sufficient to erect all the necessary buildings, and leave a handsome sum to be expended upon a library, apparatus, &c., so that the whole of the original donation may be invested for a permanent fund.

It will be of vital moment that the professors and students should be rich in the external means of knowledge—an extensive and well-chosen library, instruments, apparatus, models, specimens, &c. Especially would I recommend that there should be an astronomical observatory connected with the institution. The expense of this would not be very great, and the Government are already in possession of many of the requisite instruments. By such means, a

meridian may be established, not only for our own country, but for the western continent. To this all our national surveys, our charts, &c., may be referred. Astronomical observations might be made, for which our position and climate offer peculiar advantages. There is now no observatory worth naming in this part of the world. Let, then, the American Government now build one, and it will not only be an honor to the nation, but it will be a powerful reason for giving permanency to the present seat of Government.

It may not be thought best to employ any artificial means for stimulants to rivalship, and to seek for literary honors. Congress will always have the right of visitation, and they can, if they please, direct the committee whom they may appoint to attend the stated examinations of the various classes, to award medals, or some other mark of distinction, to those scholars who shall give the best proof of proficiency, or the ablest essays on appointed subjects. But it should be remembered that the community at large constitute, in fact, the most efficient board of overseers, and that that institution will be the most honored and frequented, which sends forth the best prepared and the most faithful agents to meet the wants of their country.

I have the honor, sir, to be yours, with sentiments of great respect and esteem,

S. CHAPIN.

TO MARTIN VAN BUREN,
President of the United States.

Letter from Horatio Hubbell.

PHILADELPHIA, *September* 20, 1838.

To the President of the United States:

DEAR SIR: I had the honor sometime past to address you a letter upon the subject of a volunteer navy, which subject I shall, at some future day, resume, and show how it can be effected by means of a steam navy, (if no other way,) which will supercede among civilized nations, every other, in the course of the next thirty years. I now, however, address you upon a subject of more importance than a navy—I mean upon the subject of education—as that subject arises out of a consideration of the Smithsonian legacy, as it is called. As to that legacy, the first thing that I beg of you, sir, is to guard it sacredly from those cormorants who stand ready

upon all occasions to convert everything into a subject of peculation. The Girard College, in this city, is an instance of this avaricious rapacity. It has already cost, in constructing the builings, I am most credibly informed, 2,000,000 dollars, and will make the fortune of all concerned. I hope it will be a warning. It is melancholy to behold such a violation of the wishes and views of the devisor. It seems to be the mania in this speculating country, that when a college or university is to be founded, the first step to be taken is to lay out the funds in expensive edifices, and that when this is effected, the institution is established. If we, however, consider a university as a seat of learning, and not as a public hotel, we see that something else is requisite besides the erection of palaces and temples. It is under this point of view that I submit with great diffidence the following suggestions to your better judgment. The idea that I connect with the notion of an university is, as before suggested, a seat of learning. In order to make it one, such a library should at once be collected as will exceed any now in the United States, will compete with those of Europe, (France and Germany,) and will, in consequence, induce the devotees of science and learning to flock to it from every part of the country—your university will then flourish. The students of that university will progress with rapidity, because their means of acquisition are expanded. You will not only have boys studying there, but men, for it can be made a condition of access to these books that they pay a fee, and become enrolled as members of the institution. The professors of your university will become eminent men and leading teachers, because they will have treasures at hand, from which assiduity and diligence can collect indefinitely. Some will tell you you must bring learned professors together to form your institution. Let me say, sir, this is the very way to make them so, by giving them the means and by spurring their emulation as the Germans do, as I shall state directly. No one, except he who has had occasion to pursue a particular branch of study, can feel the utter dearth of books that exists in this country—having myself had occasion lately to pursue some mathematical researches, I had to import two hundred dollars worth of books. In forming and modeling our institutions I consider, sir, Germany and France as the leading nations of the civilized world on the subject of education. The vastness and richness of their libraries, the number and unwearied industry of their scientific and learned men, the glorious emulation that exists amongst them, and the singular felicity of their methods of instruc-

tion, have raised them to this splendid elevation. Having been in Germany, and being in constant habits of familiarity with learned Germans, I can speak more particularly of that great country which forms a mighty ganglion in human science. The universities of Germany are generally situated in the smaller towns—some in mere villages, or what would be villages without them—such, for instance, are Halle and Gottingen. There are no buildings to distinguish them, except one or two halls for lectures and libraries; the students boarding about amongst the inhabitants. There is no parade of splendid buildings; the ornaments of these universities are their books, their collections, their apparatus, and the intellect of their eminent and illustrious professors; how could they be otherwise, with libraries of 80,000, 100,000, 2 and 300,000 volumes. The professors are classed into the ordinary, (ordentliche,) and the extra or extraordinary, (ausserordentliche;) the first are paid by the government, salaries of about $1,500, our money, and they have the right of receiving gratuitous fees from the students. The extra professors receive no salaries, but depend entirely on gratuitous fees from the students, their diligence and talent frequently carry them ahead of the ordinaries. When a vacancy happens among the ordinary professorships, the extra are next in the line of promotion; from this arrangement you will perceive there are in a German university several professors on the same subject—those that know the most have the largest attendance, and take the most fees, and consequently the emulation is always stimulated, and leads to the most strenuous exertions. There are sometimes upwards of eighty professors in a university; besides the professors, there are the private dozen answering to our tutors, but with more learning, who depend on fees, and stand next to the extras in the line of promotion. In modeling our university, I should think this plan would be advisable to be adopted. At present, I am not aware that anything can be added on this point; the library is a thing that cannot, perhaps, be carried to its utmost perfection at once, it must be formed carefully and judiciously—but of the five hundred thousand dollars, of which this legacy consists—Government should not hesitate to lay out at once one hundred and fifty thousand dollars in the purchase of books; this would form a nucleus, to which gradual additions could be made every year. The one hundred and fifty thousand dollars could be laid out the most judiciously at the great Leipzig fairs, where almost all the intellectual productions of Europe and America are brought together.

The individuals who control the Girard fund have employed an individual, at the enormous salary of $4,000 a year, to travel in Europe, to ascertain the best methods of instruction. I will undertake to say, without vanity, that I will sit here in my office, and from my knowledge of the German and French languages, I will, in nine months, collect more information on the subject of education, than that individual can or will, and, in addition thereto, I will, without charging Government a cent, except my needful expenses, attend at the fairs of Leipzig, and purchase in Germany and France, a library for the new university, encyclopedic in its character, and for half the price that it could be done in England. The legacy, if I am correctly informed, amounts to $500,000, if thereof $50,000 is devoted to the purchase of apparatus, (the best can be procured in Munich, in Germany,) and $150,000 for the library, you will have $300,000 to endow ten professorships, at $1,500 salary, arising from the interest, at five per cent. per annum of the $300,000. Congress must supply appropriations to erect a hall for lectures and for the library and apparatus, and to endow any other professorship necessary. There should be one professorship of pure mathematics, one of applied mathematics, one of astronomy, one of the other branches of physics, or what we commonly call natural philosophy; one of natural history, for it is a disgraceful fact that in none of our colleges do they teach Cuvier, Buffon, Oken, or our own Wilson and Audubon. One professorship arising out of the last, to wit: for the science of rearing and taking care of all domestic animals and agricultural products. One would suppose that these two last professorships would be of some use in a country whose riches arise from *their sheep*, *their horses*, and if not now, in a very short time, from their *silk worms*. Education begins now to be a synonymous term with the progressive advancement of our race, and of these things men have begun to study the philosophy—one of chemistry, theoretical; one of chemistry, applied to manufacture, one of chemistry applied to agriculture. Let me say, that on this subject professorships cannot be too much multiplied—it is the great lever of the world—one of oriental languages,* one of modern languages,† one of Latin and

*N. B.—I would add that our relations begin to multiply with the East in embassies, and our missionaries want the Oriental professorship.

† Almost every civilized country deems it necessary that their diplomatic agents should be able to converse with the people to whom they are sent:—does ours? Then the professorship of modern European languages would be of use.

Greek, one of philology, criticism, logic, and metaphysics. As an university should embrace the whole round of human science, Congress should come to the aid of the legacy; you should have a faculty of *medicine* and *law*. The faculty of *medicine* should embrace, besides surgery, anatomy, botany, practice of medicine, one of physiology and pathology; *the homeopathic materia medica and practice* of medicines, besides the old allopathic system, for which, I assure you, sir, as an individual, I have the most sovereign contempt. The old system of therapeutics, I suppose, must be taught for fashion's sake, but its hour has tolled. These, sir, are a few of the ideas that have occurred to me relative to the formation of an university.

I am desirous of seeing my country advance, and we never shall advance unless we found our institutions upon other models than those which such wretched seminaries as —— college and others of the like kind present through our country. Let us have an institution where men can be instructed, and not a grammar school, where even the rudiments of learning are badly imbibed.

I have the honor to remain, dear sir, your friend and fellow citizen,
HORATIO HUBBELL.

To Hon. MARTIN VAN BUREN,
President of the United States.

From The Southern Literary Messenger, Richmond, Va., 1838, *Vol. V, p.* 828.

The time is rapidly approaching when the Congress of the United States will be compelled, by considerations too strong to be resisted, to give effect to the munificent bequest of Mr. Smithson, by the establishment of an institute at the seat of the National Government, for the "*diffusion of knowledge among men.*" In view of this important movement, and feeling a deep interest in the successful accomplishment of a scheme which promises so much benefit to succeeding generations, we have taken the liberty to address various inquiries to an accomplished friend, in relation to Mr. Smithson himself, as well as the proposed institution at Washington. The answer to the first part of our inquiries, relating to the character and philosophical opinions of the testator, we have now the pleasure of spreading before our readers, and we hope, in the January number of the Messenger, to furnish our correspondent's views, in detail, of the best system of instruction which can be devised in ful-

fillment of the testator's intentions, and which shall, at the same time, be best adapted to the wants and genius of the American people. Our obliging correspondent, by his connection with learned institutions in this country, and familiar acquaintance with those in Europe, could have no superior in the accomplishment of the task which we have used the freedom to solicit at his hands.—*Ed. Lit. Mes.*

LETTER.

Mr. Th. W. White.

My Dear Sir: I received your letter duly, and reply, with much pleasure, at the earliest opportunity.

The character of the late Mr. Smithson, is certainly very much misunderstood among us. That a man of a philosophic turn of mind, of few wants, and a retired habit of life, should in process of time acquire a competent fortune, is not at all strange. As to the way in which he thought fit to dispose of his property, the very act itself bears the mark of a most noble generosity, and is a public token of the opinions of a learned foreigner on our institutions and Government.

The first duty of an executor, is to perform faithfully the wishes of the testator—as far as he can understand them. *His acceptance of the trust is his own act.* But once having undertaken that task, he is bound by the laws of all societies to proceed to its completion.

The United States can do nothing in this matter, except what is dictated by the loftiest principles of honor. There is that sensitiveness among us, originating in a feeling of national pride, which shrinks from anything having even the remotest appearance of a misappropriation for self-aggrandizement. We are an exceedingly wealthy people—we need not foreign eleemosynary aid to equip exploring expeditions or erect an astronomical observatory.

Our general Government has undertaken an important duty. It has received from the hands of an European philosopher a certain sum of money, binding itself to apply it, in conformity to his wishes, for the diffusion of useful knowledge. A spectacle so singular has not perhaps been exhibited before. We have undertaken to perform a great duty for our fellow men and for posterity. The eyes of the learned in all parts of the world are upon us—it is a point on which national integrity and national honor are concerned—a point on which party feeling must not bear. We all know that some doubts have been raised as to the propriety, or even the power of Government, to do what it has.

But what is done, is irrevocable—it must not be written in American history, that when this Republic was called upon to aid in the cause of the diffusion of knowledge and virtue among mankind, it made the attempt, and failed from incompetency.

With the late Mr. Smithson I was never acquainted. He spent much of his time on the continent, and, it is said, was a man of reserved habits. You know already that he cultivated with much assiduity chemical pursuits; but very few are aware, that he *wrote*, to some extent, on these topics. An idea of his feelings and turn of mind may be gathered from these papers.

His passion for chemistry appears to have commenced early in life, and continued to its close. He seems to have been on terms of familiar acquaintance with Dr. Black, and some of the leading members of the old Scottish school. There is extant a letter from the former gentleman to him, dated 1790; its conclusion runs—

"We have no chemical news—I am employed in examining the Iceland waters, but have often been interrupted—I never heard before of the quartz-like crystals of barytes aerata, nor of the sand and new earth from New Holland. Indistinct reports of new metals have reached us, but no particulars. Some further account of these things from you, will therefore be very agreeable. Dr. Hutton joins me in compliments to you, and wishing you all good things,

"I am, dear sir, your faithful, humble servant,

"JOSEPH BLACK."

The Dr. Hutton here mentioned, was the same philosopher who made so distinguished a figure in Geology, as the antagonist of the celebrated German, Werner.

At the commencement of the present century, there used to be published in London a monthly scientific journal, known under the name of Nicholson's magazine; it afterwards gave way to the Annals of Philosophy, commenced about 1813 by Dr. Thomas Thomson. To the pages of both these works, Mr. Smithson was a contributor. I remember formerly to have seen, in a number of Nicholson for 1803, an account of the analysis of a mineral performed by him; the signature to it is James Smithson, Esq., P. R. S. Whether this is a misprint for F. R. S., or not, I have not now the means of knowing. It struck me, at the time, that it must have been an error, for I have never heard that he had been President of the Royal Society. He was, however, a fellow of it, and very often had communications read before it. Some of your readers who have access to the transactions of the Royal Society, might easily determine this interesting point.

You have asked me, to tell you *any* particulars in reference to his philosophical or other opinions. That he was a man of much acumen in these matters, a paper read before the Society in 1813 may serve to show. It is stated, that when he was in Italy in 1794, a substance that had been ejected from Vesuvius was given to him for examination, and he ascertained, after some trials, that it consisted chiefly of sulphate of potash; on re-examining it with more accuracy, he determined it to be a very complex saline compound. By way of introduction to his paper, he gives a view of his ideas about the origin of the earth. In his opinion, it was either a sun or a comet, and was brought into the state in which it now is, by undergoing combustion on its surface. The volcanoes are relics of this original combustion, and the materials were the metallic bases of which the primitive strata are composed. As a proof that these primitive strata have been formed by combustion, he mentions that "garnets, hornblende, and other crystals found in them, contain no water; and that little or no water is to be found in the primitive strata themselves." This paper is in the Transactions for 1813.

So you see, he had come, by chemical reasoning, to a conclusion similar to that which Fourier was contemporaneously publishing in France, as the result of mathematical investigation, that the earth is nothing more than an encrusted star.

Sometime after this, he commenced an investigation into the nature of the colors of vegetables and insects; he noticed that the red color of flowers, is occasionally produced by the union of carbonic acid with a blue substance.

In a letter written at Rome, in 1819, and which was published in the Annals of Philosophy the same year, respecting a remarkable mineral of lead, he makes allusion to one of the ablest of his contemporary chemists: "The first discovery of the composition of this singular substance belongs, however, to my illustrious and unfortunate friend, and indeed distant relative, the late Smithson Tennant." This gentleman was professor of Chemistry in the University of Cambridge—he was the son of a Yorkshire clergyman—was early in life deprived of his father; his mother was killed by being thrown from her horse, whilst riding beside him. He himself, by a similar accident, had his collar-bone broken, many years after; and by a third remarkable coincidence, lost his life. But the story is singular—I will tell it you.

Mr. Tennant and Baron Bulow, a German officer, after the

peace of 1814, had been traveling on the continent, and arrived at Calais, with a view of crossing the channel to Dover; they were, however, detained several days by the inclemency of the weather. They attempted to get to Boulogne, to try the chance of a passage from there, but the vessel in which they embarked was forced to put back. To pass time, they agreed to take horses, look around the country and view a fort near Bonaparte's pillar. At the entrance of this fort was a deep fosse, which was approached over a fixed bridge, and then over a drawbridge, that turned upon a pivot; the end nearest them was commonly fastened by a bolt, but it happened that this had been stolen a fortnight before, and had not been replaced. They did not discover this. As the bridge was too narrow for both to ride abreast, the Baron went first, but perceiving that the bridge was sinking, he attempted to gallop over, and called to his friend to go back. It was too late; both were precipitated into the fosse, and though his companion was hardly hurt, Professor Tennant was taken up from under his horse, and died a few hours after.

The following is a list of the different papers published by Mr. Smithson, which are in my library. Beside these, there are many others in English and foreign journals that I have not seen:

1. A few remarks relative to the coloring matter of some vegetables and insects.
2. Analysis of a saline substance, ejected from Mount Vesuvius.
3. On a substance from the elm tree, called ulmin.
4. On native hydrous aluminate of lead, or plomb-gomme.
5. On a native compound of sulphuret of lead and arsenic.
6. On a fibrous metallic copper.
7. On a native combination of sulphate of barium and fluoride of calcium.
8. On some capillary metallic tin.
9. On the detection of very minute quantities of arsenic and mercury.
10. Some improvements in common lamps.
11. On the crystalline form of ice.
12. On the means of discriminating between the sulphates of barium and strontium.
13. On the discovery of acids in mineral substances.
14. A discovery of chloride of potassum in the earth.
15. On an improved method of making coffee.

16. A method of fixing particles on the sappare.
17. On some compounds of fluorine.
18. An examination of some Egyptian colors.
19. Some observations on Mr. Penn's theory, concerning the formation of the Kirkdale cave.
20. Remarks on a balance.

The paper on Egyptian colors, contains some curious facts in reference to the pigments used by that ancient people for staining glass and painting generally.

His observations on Penn's theory, would be read with some interest—they show the author's physico-theological opinions on some contested points. The following are extracts:

"No observer of the earth can doubt that it has undergone very considerable changes. Its strata are everywhere broken and disordered, and in many of them are enclosed the remains of innumerable beings which once had life, and these beings appear to have been strangers to the climates, in which their remains now exist.

"In a book, held by a large portion of mankind to have been written from divine inspiration, an universal deluge is recorded. It was natural for the believers in this deluge, to refer to its action all or many of the phenomena in question, and the more so as they seemed to find in them a corroboration of the event.

"Accordingly, this is what was done as soon as any desire to account for these appearances on the earth became felt. The success, however, was not such as to obtain the general assent of the learned, and the attempt fell into neglect and oblivion.

"Able hands have lately undertaken the revival of this system. Mr. Penn has endeavored to reconcile it with the facts of the Kirkdale cave, which appeared to be strongly inimical to it.

"Acquainted with Mr. Penn's opinions only from the 'Analysis of the Supplement to the Comparative Estimate,' in the Journal of the Royal Institution, * * I have hesitated long about communicating the present observations, which presented themselves during the perusal of the above-mentioned slender abstract.

"I have yielded to a sense of the importance of the subject in more than one respect, and of the uncertainty when I shall acquire ampler information at more voluminous sources—*to a conviction that it is in his knowledge, that man has found his greatness and his happiness, the high superiority which he holds over the other animals which inhabit the earth with him, and consequently that no ignorance is probably without loss to him, no error without evil*—and that it is therefore preferable to urge unwarranted doubts, which can only occasion additional light to become elicited, than to risk by silence to let a question settle to rest, while any unsupported assumptions are involved in it."

I have taken the liberty of *italicizing* here, to call to your attention how deeply impressed was the mind of this man with the importance of the diffusion of USEFUL PRACTICAL KNOWLEDGE. A few years after, he leaves his whole fortune to carry out the sentiment he here expresses.

[Here follow extracts, for which see "Writings of James Smithson."]

* * * * * * *

I trust I have been able to cast some light on the charac-

ter of this philanthropist and philosopher. If you think proper to publish any part of these facts in your excellent journal, they are entirely at your service. Erroneous impressions of the character of a good man ought to be cleared away.

As to your second request, that I would indicate something of the nature of the proposed institution, if I can find time I will give you a few thoughts. A determination on this point is not difficult; we ought to be guided by the known wishes of the testator; by the wants of education generally; and, lastly, by a consideration of what modifications are needed to make it harmonize with principles and institutions existing among us.

* * * * * * *

And believe me, yours truly, △

From The Southern Literary Messenger, Richmond, Va., 1840, *Vol. VI, p.* 25.

We publish below our correspondent's second letter upon this important subject. We sincerely commend it to the attention and consideration of our readers. Every friend to the cause of education—every lover of the welfare and progress of his country—must be deeply interested as to the result which shall dispose of this bequest. We occupy a wide domain of country. It has been bought with blood, and is sacred to freedom—it is filling up with an energetic and industrious population, and it *must* be the theatre of mighty action. It is so already. The springs of enterprise are in wide-spread operation among us. Towns spring up as by magic in the wilderness, factories line almost every stream, and mills are toiling on every cataract. The bugle of the boatman startles the distant recesses of the west, and ponderous wains, laden with precious stores, glide past us by the hundred. Tne rail car thunders from peopled mart to peopled mart, through ancient solitudes and the abodes of the panther, and the roar of the steam-barge is heard from the waters of the great Mississippi to the far banks of the Penobscot. Our white sails are sheeting over the foaming billows of every known sea, and fire-winged ships are speeding to and fro, between us and the Old World, continually. Our streets are blockaded with jars and boxes and bales, and our wharves are enforested by the masts of every nation of the civilized globe. From morn to night, cease-

lessly, from loom and forge and mill and warehouse, from street and stream, there is one great roar and clangor and tumult of business.

But, we ask, is this *all* that shall be said of us? Shall the monuments which we build up in this vast arena, and with all our elements of power, be nothing but magnificent fabrics—evidences only of our wealth and our *physical* strength? Shall we cleave archways through the solid granite, and link distant regions with bands of iron, and rear splendid dwellings, and build forges and wharves and bridges and mills—shall we do all this, and yet add nothing to the treasury of *mind?* Shall we make no discoveries in *science*—shall we open no new, broad fields of *knowledge?* We trust that we shall not so forget the nobler ends of man—that we shall not be so false to the great IDEA of the age. We trust that we shall pile up monuments more durable than fabrics of marble. We entirely agree with our correspondent, in the opinion that in disposing of this bequest, the design of the testator should be ascertained and strictly carried out. We agree with him also thus far, that if much that *is* taught under the present system of education is not useless, much is *not* taught, or is but slightly heeded, that is eminently essential to true knowledge and to progress. He thinks us "too literary" to coincide with his views. We are not so much so as to disagree with him in his idea of the objects of the institution proposed below. Literature and science, in our view, go hand in hand, and both have their mission to perform in developing all the faculties of "THE MIND." Let the disposition of this legacy in the way proposed by Delta, be one step which our legislators shall take towards accomplishing something, in this highly favored portion of the globe, for the *mental* welfare not only of the country but of the age—of the race. We beg pardon of our readers if we have detained them too long from the article of our correspondent. Once more we request them to peruse it attentively and reflectingly. Independent of the cause which it advocates with so much power, they will find it a choice specimen of strong and manly composition. Let them be prepared to act, and to act rightly, upon the question of the Smithsonian Bequest. —*Ed. So. Lit. Mess.*

LETTER II.

MR. TH. W. WHITE.

MY DEAR SIR: I received yours of the 6th inst. duly, and though much pressed with business, hasten to comply with your request.

It would have given me pleasure to have seen this subject treated of by others, whose opinions on the course of education agree better with those current than mine. Such as they are, I do not shrink from avowing them. You will receive them, as the deliberate conviction of a man who has seen life not alone in the closet but also in the world; who has passed through seasons of adversity as well as times of prosperity, conditions which are incident to us all; who, having been brought up in the very system he here condemns, has had the opportunity of observing its results, not only in the activity of cities, where they say refinement prevails, but also in the solitudes of the forest; a man who is unskilful in the harmony of words, and speaks only of plain facts; whose lot has cast him where information on these matters might have been obtained; who has but few sympathies for the cause of public education as it now exists, and has learned to regard it as based upon an erroneous view of the character and wants of mankind—producing a forced state of society—and as an eminent obstacle to the progress of THE HUMAN INTELLECT.

It is not necessary to trace the history of the system of education adopted on this continent, and in many parts of Europe, to its remote origin. The dark ages we are accustomed to regard, as a kind of relapse of the *whole* human family from a state of enlightenment into one of deep obscurity; but there is such a thing as the MIND OF THE WORLD, which is not liable to these vicissitudes, and undergoes no change except that of development. No part of Europe, even in the Augustan age, was possessed of any store of knowledge which was likely to be durable—for poetry and letters generally, are not the property of the whole human race, but simply that of individual nations, and hence are liable to be affected by the rise and fall of empires. Those faint and uncertain indications of light which we trace in the history of Greece, were but the radiations of a brighter day which was shining in the East; for the sun of knowledge never rose on Europe until the beginning of the thirteenth century—the pale crescent of the Saracens was his harbinger. Europe could never lapse from a state to which she had never attained. I know that you will not partici-

pate with me in these views. You will tell me that the Latins and the Greeks were *the men;* but, sir, posterity will surely learn to estimate the value of races of men, only by their contribution to the common stock of human wisdom and human greatness: the Æneid is the property of Italy—the printing press the property of the Universe.

When Peter the Hermit preached the Crusades, he little dreamed what would be the result of his ministrations. The savage tribes that went from the shores of Western Europe, brought back with them from Damascus and Ascalon a leaven which speedily leavened the whole lump. A spirit of inquiry was generated—the study of what was designated by the monks of those days, the ancient languages—a misnomer which has descended even to us—was commenced with avidity; and knights and noblemen, who but a few years before could neither read nor write, pored over the Iliad with raptures, and became subtle casuists in the philosophy of Aristotle. The monastic institution, then prevalent all over Europe, gave a tint to learning—for because the monks found it necessary to read the works of the fathers in their original tongues, they asserted that this transcended all other knowledge; and so loudly and so well did they pursue their asseverations, that even in the nineteenth century we find men who will scarcely believe that there have existed conquerors more successful than Cæsar—empires richer and more extensive than that of Rome—people as civilized and as enlightened as the Grecians.

The genius of Lord Verulam had already taught men the true method of becoming powerful and wise, when Newton was born. This man, gifted for a few years by Providence with a most gigantic intellect—which, when it had accomplished the designed object, was withdrawn from him—has exercised an influence of no common kind on the destinies of his race. The inductive method of philosophy was crowned with a series of the most brilliant results; but even here, where we might least expect it, we find a proneness of the human mind to wander into error. A tribe of bastard sciences has arisen—the sciences of *the mind*—the illegitimate offspring of the union of the philosophy of Bacon, in its first years of wantonness and youth, with the shrivelled metaphysics of the old schools. An Alexandrian philosopher is said to have told the king of Egypt, that there was no royal road to science; but we, in these latter days of refinement, have found one—a method which gives to superficial learning the appearance of wisdom, and to crude ideas and childish speculations the aspect of a perfect science—like the

mirrors of a kaleidoscope, which transpose pieces of straw, and fragments of broken glass, into forms of beauty and symmetrical shapes.

And thus it comes to pass, that the course of events has entailed on us a system of education of a most heterogeneous character. I do not now speak of professional education, but limit these remarks strictly to what is done in our Colleges and Universities; for in common with most of the schools of Europe, we there give instruction in only four departments. 1st. Ancient Languages. 2d. Intellectual Science. 3d. Mathematics; and 4th. Physics—which last are inseparably allied. I need hardly say, that I exscind, for obvious reasons, all incidental courses of instruction which are instituted from secondary or interested motives. A professorship of Poetry is ludicrous; no man expects a professor of belles-lettres to write with elegance his mother tongue; and every one knows that the only effective professor of history is a *good library*.

Should Congress, in its wisdom, ever see fit to found in the City of Washington a National University—a rival to the old universities of Europe—it would give me pleasure to hear that all these subjects, even such as I have commented on, were taught there; but the funds given for the establishment of the Smithsonian Institute will not bear such an expansion. Those subjects alone must be taught which come within the intention of the donor, and others introduced only as specific means are provided for them. Let us then try to ascertain what is meant by the "diffusion of knowledge among men."

An Arabian merchant, who lived at Surat, and exchanged the gold dust and ivory which he brought from Africa for the silk shawls and gums of India, had amassed a considerable fortune by his traffic. He had an only son, whom he desired to bring up to his own business. When the boy came to be six years of age, his father called a meeting of his kinsfolk and friends, to consult with them as to the course of his son's education. Among the rest there came a certain Mufti, who spoke, with an oracular voice, as follows: "My friend, thou sayest it is thy intention to make thy son a trader—now hear my advice. It is well known that the profession of a merchant requires great quickness of counsel, great promptitude of action, and an unflinching integrity. Our fathers, for some centuries past, have fixed on a preparatory course of instruction, well calculated to produce these results. We their children are living witnesses of the correctness of their judgment. It is well

known to you all, my friends, that about three thousand years ago there existed in those regions where the Nile empties its waters into the great sea a race of men skilled in all human wisdom and the divination of counsels—from whom, as it is reported, we have received whatever it is desirable for us to know. Procure, therefore, for this boy, a man well skilled in the learning of that ancient people, who shall teach him to decypher their languge, indoctrinate him into their customs, and initiate him into their religion. Now, although the gods of this people were guilty of certain excesses, it shall come to pass that the study of this very thing shall lead the boy to virtue, as also the reading of their curious hieroglyphs shall give him a correct knowledge of the dialect of Mecca. I would also have him taught the writings of the ancient Sabeans—a people residing in a remote period in Persia—and by no means omit to translate ten thousand words of the poetry of Chinese, which will give him a taste for beauty of composition, and doubtless enable him to write a fair commercial hand. When he has completed about twelve years in these pursuits, I would let him journey to view the pyramids, or contemplate the cave of Elephanta—objects which will expand his mind to a conception of the sublime and beautiful. This done, thy son shall then have his mind so sharpened as to receive with avidity the secrets of the trading life, and shall prove a successful merchant. Ye have my words."

There also was present the partner of the boy's father, a man of uncommanding appearance and unready delivery, but who feeling much interest for the son of his friend, rose and spake: "Ye have heard what the learned Mufti hath said. I am a man slow of comprehension—that cannot understand what the learning of the Egyptians or the Chinese hath to do with us—one that would suppose it better to learn Arabic by studying Arabic, than to learn Arabic by studying hieroglyphics. In my youth I traversed many nations, and have seen men of many colors and many climates. I have found that there is a fitness in all things—that dalliance with harlots is not an incentive to virtue, nor the company of fools productive of a wise man. Certain events can only be brought about by the operation of certain causes. Hadst thou intended thy son to be a soldier, then thou shouldst teach him the arts of horsemanship and to wield the spear. Hadst thou intended him for a Mufti, then the course now advised might have been the best. But, because thou wilt have him a merchant, instruct him in the letters and arts of Arabia; let him learn the courses of the stars that he may

hereafter recognize his way across the desert. Put into his hands the Koran, which shall guide him to virtue. Let him be taught the history and modes of life of the people among whom he is to procure his gold dust and ivory—the language of the men among whom he has to traffic. He will never sell his commodities to dead Egyptians, or to Chinese poets, or to extinct Sabeans. It is better that his mind should be enlarged by commerce with the men of his day than warped by a half-taught pedagogue. It is better he should speak the language of men with whom he is to come in contact than spend many years in acquiring what can never be used, save among the tombs of the mummies.

"And as to any refinement of mind that springs from the use of these antiquated studies—though amongst us Arabians such is said to be the case—yet in a long life I have never seen it. But on the other hand, I have uniformly observed that those men who had spent all their days in these pursuits, and therefore had become possessed of all the advantages proposed, if any such exist, were uniformly men of indifferent taste and not calculated to bear the shocks of active life."

But among the company were many who followed only prescriptive opinion; and Hassan, the merchant, was induced that evening to hire a tutor for his son, who on the morrow began the study of Egyptian literature.

Thus, sir, the course of education among us has originated in a cramped view of mankind. There is too much proneness among us to regard ourselves and the things just around us as UNIVERSAL NATURE. It is a hard thing to cure a man of vanity. You write to me, that the barometer in your study rose yesterday in consequence of an easterly wind; but it is far more probable that your barometer was affected by atmospheric changes that had occurred in the remote regions of Central Africa, or even upon the steppes of Tartary, than by the wind which whistled round your dwelling. As in the physical, so also in the moral world, we perpetually run into error for want of taking a general view of things. Our whole course of study tends to this result—instead of considering the world as an unity, we expand ourselves into the representatives of the world. We look upon ourselves as the favorites of Heaven; and emulating the example of the natives of Athens, regard all the rest of mankind as barbarians. We forget that there are millions besides us, partakers of the pleasures of human happiness and the pangs of human agony—that in the eye of Providence we are all on a common level, and one com-

mon lot awaits us all—that there is a due proportion of happiness and misery poured into the cup of each individual, whether it be the camel-driver on the plains of Bagdad or the QUEEN of the BRITISH EMPIRE; not recollecting the lesson taught us by one of old, that there *is* no difference between the Jew and the Greek; but there is ONE who sees us *all*, and whose kind hand supports us *all*—who maketh his sun to shine on the good and the evil—who sendeth his rain on the just, and on the unjust.

It is feelings like these, arising from confined views, that have influenced our system of public education. In the course of life it has happened to me to see the result. How many of our educated young men, who have passed the routine of college, and received college honors—how many have *you* known, who had learned so much as the name of TEMUJIN—a man, who hardly half a dozen centuries ago, propagated at the point of the sword one of the leading doctrines of the French Revolution—who ruled over an empire of greater extent, and of vaster riches, than the Roman in its palmiest days—who put to death one-fortieth part of the whole human family—before whose greatness, as human greatness is measured, the fame of Pompey and Cæsar fades away? How many have you known who could repeat the history of Timur, whose empire was bounded on one side by the seas of China, and on the other extended into the heart of Europe? They have been told that there was no battle like Pharsalia—no monarch like Augustus—no city like Rome. They have never known that whilst the contemptible kings of Europe could not even write their names, there were monarchs in Asia, ruling over millions of men, skilled in the most difficult parts of human knowledge, and accomplishing conquests as much by their science as their arms; that whilst Europe was plunged in the most benighted ignorance, HULACK, the royal grandson of Tamerlane, thought it more honorable to be accounted the first astronomer of his age than the emperor of all Asia.

From the Romans—a race distinguished from the Etruscans, the former inhabitants of Italy, by their neglect of the fine arts—by their conquests of violence—by one single glimmering of literature, and by an inordinate ignorance—we turn to the inhabitants of Greece with far more pleasure. There we see a race characterized by that same love of freedom which we admire so much in our own aboriginal natives—that cool courage, which having counted the cost, is prepared to barter life for liberty; but a race more effeminate than the red men, for those *were capable* of enslave-

ment, but these acknowledge no conquest except that of extermination.

From nations more advanced than themselves the Greeks freely confessed that they drew many of their stores of learning. Even without the advantage of that confession, we should hardly rank them on a level with many Oriental people. Their distinguishing characteristic was a correctness of taste. In scientific acquirements they were greatly beneath the Hindoos. It is true they possessed the Elements of Euclid, and gave birth to the Conics of Apollonius; but the Binomial theorem, and many of its far-reaching consequences, were known to the Brahmins. The glory—and it is not a small one—of having chiselled the most beautiful statues, is theirs; but the mountains of Persia were rivals of Parnassus, for the great Epic of FIRDAUSI is said not to shrink from a comparison with the ILIAD of HOMER. In the softer and gayer effusions of the muse, even later degenerate Persia may give rivals to ANACREON; her own HAFIZ shall vindicate her—

> "Boy! bid the ruby liquid flow,
> Nor let they pensive heart be sad,
> Whate'er the frowning zealots say,
> Tell them—their Eden cannot show
> A stream so clear as Rocnabad,
> A bower so sweet as Mosselay."

If you ask me what people have contributed more to the advancement of the intellect of the world than the Greeks, I would point you at once to the Saracens. Who was it that dispelled the gloom of the dark ages?—the Saracens. Who was it that introduced into many parts of the world the learning of Greece itself?—the Saracens. Who taught us Algebra, that amazing engine of intellectuality?—the Saracens. Who was it that on the sandy plains of Arabia determined the magnitude of this earth?—the Saracens. Who was it that brought experimental chemistry from the East?—the Saracens. Who was it that gave us the very first elements of our commonest knowledge?—who taught us the first princples of arithmetic?—the Saracens. The invention of the cypher will hereafter be regarded as one of the most capital results that the wit and genius of man has ever produced. To ascribe to that little emblem so many curious properties—to combine them in so many harmonious ways, and from means apparently so slender—to convert arithmetic from one of the most obscure and most unintelligible to the most perfect of all the sciences—required a mind skilled in original research, and stored with untold hoards of knowl-

edge. The old numerals in use among the Greeks and Romans rendered it a matter of no small difficulty to perform the simplest operations of numbers. Our merchants seldom think that they owe all the facilities with which they arrange their intricate accounts, and thereby accomplish all their manifold commercial speculations, to the genius of these Mohammedans. I can never give either to Italy or Greece that meed of unqualified praise which is so lavishly bestowed by some, when I know that to other races must be ascribed the invention of the cypher and the beautiful game of chess. Far be it from me to detract anything from the nations of Southern Europe which is so honestly theirs. I would freely give them, as they might deserve it, the honors that are due to power, to letters, or to science. I have gazed with transport on the marbles of the Parthenon, and could look with the deepest emotion on the dying gladiator, but I search in vain through the gorgeous range of Roman history for a single proof of that beautiful talent that is displayed in that obscure but most perfect instrument, the potter's lathe, an invention of ancient Etruria. There are rights of mankind as well as rights of nations; and just as one man may not lawfully usurp the property of his neighbor, no nation has a right to embezzle the honors due to others. The human family is not so degraded as it is fashionable to think. We do not owe all that makes us wise, or good, or powerful, to the shores of the Mediterranean. Our whole system of education is an insult to the dignity of mankind.

The nineteenth century cannot pass away, in this land of free opinions, without witnessing a great change in these respects. Men who have been accustomed to show perhaps, even in a blameable excess, an utter disregard for the venerable appearance of antiquity, will not be slow to investigate what we all feel to be the safeguard of this great Republic—the education of its youth. Men, who will have a plain reason rendered to them for everything, will not be dull to perceive nor slow to apply a remedy. The tokens of this are already among us. There are institutions now existing that will show the way in this matter, that will quietly awaken public opinion, and shake off the nightmare that rides upon it.

Do not misunderstand me. I contend not for the banishment of these studies from our systems of instruction. The forced state of society in which we live has made them a part of perfect education. We are often compelled to tolerate what we may be most eager to remove. But, sir, the mind of man was never in that state of expansion in which it now

exists. The philosophy of Verulam has created a new race of mortals—a race utterly different, both in physical power and in intellectual refinement, from all other animals on the face of the earth. Each year, as it passes, is rapidly increasing the difference. One after another, we are subjecting the imponderable and unseen agents of Nature to our use—Heat, Electricity, Light. Men that are thus arming themselves with the force of these elements are not like the former inhabitants of the globe. We ask not the Egyptian for his fleetest dromedary; our locomotives run over a whole degree of the earth's surface in a single hour. We need not the elephant of India to drag our ships ashore; our steam engines give us possession of power that is literally unbounded. We want not the Tartar with his swift Arab, for our electric telegraph can transmit our words from one pole to the other in the twenty-fifth part of a second. At our command the beams of the sun become artists, and paint on the plates of Daguerre scenes which the pencil of Apelles could never have approached—landscapes inimitably beyond those that adorn the canvass of Claude Lorraine. To send us to school to antiquity is to degrade us indeed. The prattle of children is no instruction to him that is bursting into manhood.

Who can predict what the course of a few years shall accomplish? The man who is grasping in his hand the agents with which it pleases the Almighty to govern this world—who has made for himself an eye that reaches into the deep abysses of space, and sees the circling of star around star, in regions which the eye of an angel alone could pierce—whose splendid intellect compares together the weights of those indivisible atoms—those last particles of which the Creator has formed all material things, or places the sun in a balance—the man who, instead of indulging in chimerical speculations about the structure of his own mind, of which he is in utter ignorance, is adding to himself new senses which are unlike those that nature has given him, and expanding his organs to the production of results which his unassisted powers could never have approached—this is not the man who existed five centuries ago. There is found in the bowels of the earth, as geologists say, abundant evidence of a continuous development of the tribes of organized life—that those which first made their appearance were of the lower and meaner kind—that one after another has come into existence, each more elaborate and each more intellectual than its predecessors. The history of our own family teaches us the same thing, for there is not more difference between those animal races than there is between the civil-

ized man of this age and the men of Europe five hundred years ago.

It is for these reasons that I object to the course of education as it exists among us. If it were not for the danger of being misunderstood I would go more at large into this matter. It is not a desire to limit instruction, but to enlarge it—to give it a bent more suitable to the wants of the age. I am not seeking to depreciate the value of any species of learning, but to point out what is most congenial to the *present* position of mankind. I am not seeking to disparage the rights of any nation—to cast slight on any forms of study—but to find out ways for the more rapid and energetic development of HUMAN THOUGHT, and to assert THE MAJESTY OF HUMAN INTELLECT.

If you read over the papers of the late Mr. Smithson—of which you have published a list—you will see there these same feelings in strong relief. His fancy did not riot in scenes of mere imagination, but took hold of things of practical utility. It was the spirit of the school of Bacon that was in him, that taught him to investigate with equal zeal, *experimentally*, the original formation of the earth, or the best method of burning an oil-lamp, or the mode of retaining the aroma in coffee. Through the course of a long life he gave these pursuits the preference; for, as he says, "he was convinced that it is in *his knowledge* that man has found his greatness and his happiness—the high superiority he holds over the other animals which inhabit the earth with him, and consequently that no ignorance is without loss to him—no error without evil."

An institution of the first class will, in process of time, without doubt, exist in the United States. The wealth of the country could without difficulty procure extensive libraries and museums, mineralogical cabinets, chemical laboratories, botanical gardens, astronomical observatories, zoological menageries. These, and many more such things, are essential requisites in a school of that stamp. But where the means we possess are limited—and it is doubtful whether or not Congress is prepared to make munificent grants—it is better so to shape the action on Mr. Smithson's bequest that his institute may be the germ, which, as time goes on, may develop itself and expand at last into a National University.

I have been connected with two different institutions, such as are here referred to, in different capacities, and have marked the course of events with them. Their funds at the outset have been lavished in erecting magnificent struc-

tures; embarrassment has followed, and because they had reckoned more upon striking the public eye with the splendor of their exterior than with the excellence of their fruit, they have ceased to be encouraged. Corinthian pillars and Gothic halls are the bane of literary institutions, which so surely as they are introduced take away from the working material. There are men who will read this that will *feelingly* respond to it. The public is right—universities ought to learn that they are held in estimation only for the quality of the instruction they can impart. The men who were raised in the French Polytechnic school would have given a standing to any place, even though it had been built of brick. The effective part of a seminary of science is not its walls and decorations; yet both in Europe and in America such institutions are to be seen, which remind one of a line-of-battle ship, with its decks carpeted and no guns aboard.

That Mr. Smithson intended, when he gave this money in charge to the United States, to found an institution for the advancement and diffusion of science, there cannot be a doubt. His whole life is a commentary on his intentions. He had witnessed, during his repeated visits to the continent, the successive plans adopted by the French Republic for the rapid and perfect education of their youth—their Central, their Normal, their Polytechnic schools—for Fourcroy, the chemist, who was continually in the society that Mr. Smithson frequented, was the main mover, if not the originator, of these different plans, and was a member at the time of the National Convention and the Council of Ancients. No one who contemplates the great results at last obtained from these repeated trials, and the impetus given to all departments of knowledge, even the most difficult and sublime, will deny that the schemes adopted were far superior to anything that had preceded them.

This brings me now to the main point of my letter. Partly because the funds allotted to this purpose are limited—partly because great and successful universities cannot spring up in a day, but must be of slower growth—partly because it is uncertain whether Congress will give munificently, or even give anything to the cause—partly because it is most suitable to the genius and character of institutions now existing in the different States—partly because the successful results which can be produced from it will appeal at once to the understanding of the whole people, and inevitably lead to the establishment either by the national councils or by patriotic individuals of a great National University, but chiefly because I believe it to have been the intention of the testator—

I would indicate, as the most appropriate disposal of these funds, the establishment of a Central School of NATURAL SCIENCE in the city of Washington. Let us now examine this proposition in detail.

The principal of these funds—whatever may be the action in the case—must be kept *untouched;* the interest alone is available.

Each of the different States possesses learned institutions, under the form of colleges, seminaries, or universities, their object being to give instruction to a certain extent in what is regarded as essential to good scholarship. Accordingly, the plan adopted for under-graduate study is arranged under four heads—ancient languages, intellectual science, mathematics, and the physical sciences. As the course of instruction is commonly arranged prospectively for four years, the pupil spends upon the first of these departments a portion of three or four years; upon the second, one to two years; upon the third, two or three years; and upon the last, one or two years—the plan being somewhat different in different places, and ordinarily requiring him to be prosecuting three out of the four different departments at once. It is probable that with the present views taken in society of the nature of public instruction an institution which should depart to any extent from this programme would not meet with good success. As it must depend almost entirely, especially at the outset, on support of a local character, it cannot dare to control public opinion, but can only work itself into existence by conformity with established customs.

The organization of a national establishment of this character would, however, be attended with obstacles almost insuperable. Called into existence *at once*, not as the rival but as the *head* of all learned seminaries, and backed as it ought to be with the countenance and support of the Government, it would have to sustain itself against the direct hostility of all the State institutions. They would soon begin to learn that it flourished at their expense; and, for such are the feelings of human nature, they would quickly regard it as a chartered monopoly of a vexatious and oppressive kind.

These considerations, therefore, will show us that in moulding the character of Mr. Smithson's Institute we must keep clear of everything which might be regarded as trespassing on the bounds and rights of State Universities. That it may go into operation with the good will of all, it must be free from the suspicion of interfering with any. It must be so arranged as not to draw from them *their* pupils, nor to divert

from them the channels of *their* accustomed support. As its origin and objects are different from theirs, so there must be impressed upon it a character perfectly distinct. Instead of coming forward as a competitor with them in the sale of literary wares, it were better for it to bring into the market articles which they do not supply.

Of the four departments of study already indicated as entering into the plan of existing education, the ancient languages and intellectual sciences are generally pursued to a considerable extent. Requiring no great outlay for the purchase of libraries or means of illustration, and there being an abundant supply of accomplished teachers furnished from the ranks of professional life or brought up with these objects in view, a very effective course of instruction can be given, and accordingly we find that our classical scholars bear an advantageous comparison with those that graduate in European schools.

But in the more exact sciences it is not so. The whole routine of instruction in natural and physical science is attended at the beginning with such heavy costs and such a constant drain of expenditure for repairs and consumption that all institutions among us find it necessary to restrict themselves here. Their means will not enable them to sustain complete courses of instruction, and they are necessarily driven to pass over these subjects in a superficial way, and allot to them only a brief space of time.

There is also another reason which renders their instruction on these points inefficient—a difficulty inherent in their very constitution. The successful study of the higher departments of physical science, whether natural philosophy or chemistry, requires a previous knowledge of the higher geometry. Mathematics have now become the porch of physical knowledge. Young men, at the commencement of college life, have commonly but an indifferent acquaintance with mathematics. It is as much as they can do, even in the course of four complete years, to gain a general insight into the principles of the Calculus. The leading institutions among us do not profess to carry them beyond this. It is only then that they are ready to take hold of these subjects in a proper way, but it is also then that their term of education has expired, and instruction fails them.

Here therefore is the point on which the Smithsonian Institute can act with efficiency in aid of our established seminaries, without interfering with them in anywise. In this character it will fulfill to the letter the wishes of its founder—an institute for men, not boys. It will be operating

in a work which *he* unquestionably thought of the deepest importance to the human race, and instead of acting in rivalship it will be acting in unison and harmony with our established colleges.

I would, therefore, found it as a school of physical science, giving an elaborate course of mathematical instruction. Commencing at the point where our higher universities close, I would give it a perfect apparatus, good cabinets, and gradually a respectable library. Proceeding in the work of expanding it slowly, it should as encouragement was given or opportunity served, be furnished with a botanical garden, an observatory, a zoological institute, or analogous means for prosecuting in a proper way the great sciences of astronomy and general physiology.

Now mark, sir, the result of this. We are the residents of a great continent, which is bursting into life. Upon us, and our immediate descendants, has devolved the duty of developing on a scale hitherto unknown in this world the resources of the giant empire, which is going to stretch from the Atlantic to the Pacific ocean. The men are *now* born who will hear the loud snort of the locomotive in the deserts beyond the Rocky Mountains. No system of education that has ever yet been tried will meet our wants. We want means for the rapid development of all our powers—means for the rapid development of all our resources. The soil beneath us teems with wealth; our population is increasing beyond all example; we are men of enterprise and energy, living in a period of the earth's history unlike any that has preceded, when the force of intellect is fast supplanting all other powers, and under a government the constitution of which has no example. To a nation like us ignorance is death; the loss of virtue, annihilation. We are trying to unite interests of the most diverse and jarring, and to bind in one bond of union the hot and fiery disposition of the man living within the tropic with the cold calculating inhabitant of the Green Mountains. But men of all climates are not men of one mind; their character is moulded by the things passing around them; it takes a stamp from the scenes of early life, an impress from nature. The Italians, under all their changes of government, are continually the same people. Overcome, trodden down, trampled under foot, there is an elastic resiliency that forever bears them up again. It matters not what public calamities betide them, or what national woes are stored up for them in the womb of time, another Volta will reveal the mysteries of nature, another Canova will breathe the breath of life into the mar-

bles of Carrara, another Catalini will enchant all Europe with her song. The same causes which determine these things there are in tenfold action here. We have no surety of continuance, except from the increasing intelligence of our people.

If no other gain accrued to us from an establishment of this kind than the development of the mineral resources of the continent, we should be amply repaid. Nature has scattered with a lavish hand her warehouses of metals among us; she has given us inexhaustible riches, but there does not exist in all the United States a single school of mines. France, England, Sweden, Germany, have well-organized institutions of this class—in some instances supported directly by the government, in others under the charge of those interested in mines. In this consists the secret that they are continually improving their processes of metallurgic operations, and are able to extract profitable returns from ores inferior to those which we daily pass by with neglect.

But there are higher ends than this. No man, until he is acquainted with physical science as it now exists, can have any idea of the great things for which Providence has prepared him. He cannot think with what amazing power the mind, aided by the vast enginery of geometry, passes from cause to effect, or from effects to causes—how it links together phenomena which might appear to him to have no resemblance, and disentangles from the varying operations of Nature the immutable laws which govern her—how, as it becomes evolved in these pursuits, it learns to take those far-spreading views in which the unlettered can never participate—how, looking backward on departed times, it describes events which happened when there was no history to record, no human eye to see; or looking forward with the steady gaze of a prophet, unfolds what is to happen in the coming eternity—how, reflecting as it were the image of its Maker, and sharing in His omnipresence, it walks through the fabric of the Universe, and examines the qualities, the magnitudes, the relations of one star after another; or, returning to the frail tabernacle that it tenants, reveals its structure and functions, its general connection with the system of organization—how it is rapidly penetrating the mysteries of the world of life, exhibiting the great plan of unity of design and the laws of progressive development, and thereby ascertaining its own place and position in the Universe, its continued dependence on an unceasing Providence.

It is impossible that any one should become acquainted

with the philosophy of the nineteenth century and not become a virtuous man.

Physical knowledge is not the property of any part of mankind, but the property of all. The pursuit of it is what all are interested in—the profits of it *all* share; and herein consists the vast superiority which it possesses over mere literature. The one is general and for the whole world, the other is sectional or local; the one dispenses its benefits alike on the civilized and the savage, the other only on the man of education. The course of events and the casualties of time may bring about the destruction of English letters, and poets that we have thought immortal may be forgotten, and works of art or of taste be buried under the lapse of ages, but English science can never die; the steamship will still continue to cross the Atlantic, the locomotive will still pass over the railway. One-half of the human family is in utter ignorance of what is thought learned and beautiful and wise by the other half. There are millions in Asia who have never heard of Paradise Lost—millions in Africa who know nothing of the Cartoons of Raphael; and on the other hand, among these people there have existed accomplished orators and valiant warriors of whom we have never heard—works of art that *we* have never seen. But the savage as well as the civilized, the Oriental as well as the Western man, casts away his bow and arrows on the discovery of gunpowder; the Chinese junk as well as the American man-of-war is steered by the magnetic needle.

To diffuse benefits of this order, which *can* be participated in by all the families of the earth—to devise means of increasing the power, the wisdom, the virtue of man—is the great object of the Smithsonian bequest. It is a solemn and responsible duty which has fallen upon Congress—a duty which, as the Government *has commenced*, so it *must complete*.

There are, however, among us men known both to you and me whose views are unfavorable in relation to the establishment of an University at Washington. The bearings of their political creed, they say, lead them to question the constitutionality of Congress intermeddling at all with public education. Without joining issue with them on the law of the contested point, I would rather reason as to the facts of the case. The Government has received, or rather by process of law spontaneously taken possession of a certain amount of money, under conditions which every plain-dealing person among us understands. If by casting obstacles in the way we defer from time to time the completion and discharge of that duty, how can we bring men who live in other coun-

tries, and who do not know the nice shades of distinction that we draw between the powers of Congress and the rights of the States, to understand how it is that we have voluntarily incapacitated ourselves for performing the greatest of all benefits for which governments are instituted—the diffusion of a public blessing? This money is not given for our use alone, but for the general good of *all* men. We should therefore recollect that others have rights in it as well as ourselves. We can neither return it without betraying our trust to them, nor can we, with a clear conscience, defer to appropriate it to the use for which it was unquestionably designed. We stand merely in the light of trustees, or rather executors of a will. We may not, therefore, procrastinate unduly.

Such being the case, let us act as upright men in private life would do. Taking the will of the giver in its plain and literal sense, let us erect a Smithsonian Institute for the purpose of increasing and diffusing knowledge among men, shaping our course by the known ideas of the testator, establishing such an institution as we have reason to believe he would have established, but moulding it, as we ought to do, to the wants and circumstances of the country in which he saw fit to locate it. We are not called upon to raise up a rival or an antagonist to our own colleges.

And as the funds are small, compared with the object in view, let us first guarantee the permanent safety of the principal. If Congress saw good, it would surely bring honor to the country if a piece of land and suitable buildings were given; but if not, proceed to procure them as rapidly as the annual income will allow, keeping steadily in mind that we are not erecting structures to ornament Washington, but buildings in which science has to be taught. Let the stranger who visits us see an edifice plain and in keeping with republican simplicity without, but well equipped within.

A school organized as has been indicated in this letter would probably consume the revenue of five years before it could be brought into full operation. Its leading features once settled, there would be abundant time to arrange the details of the plan—to make inquiry into and profit by the experience of foreign institutions of an analogous class. A liberal charter should be given it, raising it on a level in point of privileges with any existing university, and vesting its government in a *very few* but very responsible hands. You will find it one of the most prominent faults in the organization of most of our schools that they are governed by unwieldy boards of trustees. A council of five men,

chosen with discretion, would be far better adapted for working purposes than one of thirty indiscriminately selected.

Probably your views would incline you to an institution of a more literary cast than that which I have indicated. I cannot, however, see any broad distinction that you could draw that should separate it, characteristically, from an University. Even if there were no danger of its collision under that form with the older Universities, I doubt very much the possibility of carrying it into effect. Mr. Smithson's fund is not enough. We cannot tell whether Congress is munificently disposed, or whether the way would be clear in other respects. A successful University must be of slower growth. It would be impossible to officer *at once* one in Washington of which all others should tacitly acknowledge the supremacy. The thing itself is not desirable; and yet, under any other condition, it would be a discreditable abortion.

For the same reason that I am not disposed to believe that by the "Smithsonian Institute" its founder meant "The National Astronomical Observatory of the United States," so I do not believe he meant "A National University," planned on the model of yours of Virginia, Yale College, or any other. What he meant by the term *knowledge* the history of his whole life will inform us. We are bound to conform to his wishes, so far as we can understand them. One thing is certain, that no plan can ever be got through Congress that is not based upon this principle. There is a pride among us that will not stoop to be indebted for these things to the generosity of strangers.

Indeed, it is not literature that we need. On all sides we are surrounded with able and learned men whose lives are devoted to its pursuits. They will all tell you that it is not on the machinery of colleges, but on the printing press, that they depend for the diffusion of the information they hold. In this respect, your own Messenger, if it receives the support which I trust it does, may be a more valuable adjunct than half a million of dollars spent in erecting a College in Washington. But in science it is otherwise; the living teacher alone can communicate information, and you must arm him with cabinets and apparatus.

Whilst, therefore, there is on the one hand no prospect of establishing successfully a Literary Institute, not a sufficiency of funds for sustaining one of a mixed character, many doubts as to whether the testator had reference to one of either kind, the danger of causing the whole attempt to miscarry by incorporating Mr. Smithson's Institute with a

National University, on the establishment of which Congress would not act except after long consultation and ascertaining the feelings of the country, and hence continually procrastinating the benefits that were to arise from it; on the other hand, we see the way clear for the establishment of a school where Natural Philosophy, Chemistry, Geology, Mineralogy, Philosophy, and all other sciences could be effectually taught—a school which, so far from clashing with others, would aid them, and instead of meeting with their animosity, would receive their cheerful countenance—which, although it might be helped by the gift of funds from the nation, could nevertheless go into operation without them—which, under a wise management, could be speedily brought to yield results of the utmost practical importance, and fulfill to the very letter the wishes of the testator.

The statesman who looks around on this wide-spread country and sees what it possesses, and what are its wants, may recognize in such a disposal of this gift a timely present to his fellow-countrymen—a benefit the advantages of which are not confined to them alone, but free and open to men of every nation.

* * * * * * *

Yours, truly, Δ.

From The Southern Literary Messenger, Richmond, Va., 1841, *Vol. VII, Page* 277.

The disposition of the munificent donation of the late Mr. Smithson for founding a National Institution in the city of Washington has been under discussion in the papers of the day for some time past. Several articles of no ordinary merit have appeared in your useful Magazine, and without designing to disparage the views of others, I would beg leave, through the same medium, to present a few observations on this most important subject.

While all the writers agree in the propriety of Congress acting upon this subject, there is great diversity as to the character of the Institution which it is called upon to establish. One proposes the establishment of a grand astronomical observatory; another advocates a museum of natural history, with a system of public and gratuitous lectures on the most popular and practical branches of liberal knowledge; while a third argues, that, inasmuch as Mr. Smithson himself was a friend to the natural sciences and an intimate acquaint-

ance of the chemist Fourcroy, his design could have been none other than founding a central school of natural science. From a forced construction to the expression, "diffusion of knowledge among men," the conclusion is drawn that the donor had reference to no other knowledge than that which flows from the study of the physical sciences.

Whatever may have been the individual preferences of Mr. Smithson, it is very clear, they are in no manner expressed in his bequest. More general terms could not have been used than those which convey his intention—"diffusion of knowledge among men." Thus intimating his design, he leaves the disposition of the fund to the wisdom and judgment of Congress. Had he designed founding an institution similar to the scientific schools of France, what objection could there have been to his expressing himself to this effect? The absence of express directions may therefore be regarded as conclusive on this point, and that Congress alone was to adopt that plan, which the circumstances and necessities of the country might demand.

I do not object to due deference being shown to the subjects which claimed the time and talents of Mr. Smithson. A proper respect to his memory might seem to require a more decided cast to the Institution in favor of the natural sciences, than under other circumstances would be necessary or expedient. But as all the institutions of the country have given evidence of the high estimation in which they hold these useful branches of knowledge, there is no danger that the wishes of the donor will be departed from in this respect. Whatever form will be given to the Smithsonian Institute, the natural sciences will occupy a prominent position among the branches of public instruction.

The question being settled as to the power of Congress over this fund, it becomes us to consider, in the next place, the manner in which it shall be disposed of. And here I would again join issue with your correspondent, who advocates the establishment of a central school of natural science. I think an institution already exists, which supersedes the necessity, at this time, of the entire fund being appropriated for this exclusive purpose. The United States Military Academy at West Point is such an institution as your correspondent proposes to establish. It is emphatically a school of the natural sciences. Mathematics, Astronomy, Chemistry, Geology, Mineralogy, Optics, &c., claim the entire attention of its students, and as far as its course extends, it is justly regarded as the first institution in this country.

Indeed, it may proudly compare with similar establishments in France or Germany.

It enjoys a large share of the favor of the government and people, is most liberally endowed, has extensive philosophical and chemical apparatus, and is in every way qualified to aid in the great work of "diffusing knowledge among men." It numbers now nearly one thousand graduates, many of whom occupy distinguished positions in the scientific and literary institutions of the country, and *all* of whom are returning to the government a full equivalent for the benefits received. It would hardly seem necessary at the present time to establish an institution in Washington in which the same branches are taught as at West Point; and until the necessities of the country are provided for in other respects, such a course might be deemed unwise and unjust.

Nor can I agree to the plan which proposes a system of public and gratuitous instruction by lectures on the most popular and practical subjects of human knowledge. I do not believe that any permanent good would result from such a system. A confused and imperfect idea of the various facts of science would thus be communicated, without any basis upon which to build a practical course of instruction. The auditory continually varying; few, comparatively speaking, would have the benefit of a full course of lectures upon any one subject, while the lectures themselves would of necessity be of a more popular character than would be consistent with a full and thorough course of instruction.

An institution that would correspond to the views of the munificent donor, and meet the wants of the whole country should not be devoted exclusively to any particular branch or branches of knowledge. Give it a direction either for science or literature, and you thus cut off a large class of persons from a participation in its benefits. Although all are interested in the results and achievements of science, there are other subjects of great importance which it should also encourage and promote. The labors of the chemist and geologist contribute greatly to the supply of the necessities of mankind, but there are other professions equally important and essential to their comfort and happiness. We should not cramp the influence of such an institution, supported as it would be by the power and patronage of the government; it should embrace every subject within the compass of human acquisition, and aim at the *general* "diffusion of knowledge among men." It should therefore be a National University. It should be supplied with the

ablest professors which this or any other country could produce. It should have an extensive library, complete philosophical and chemical apparatus, and laboratories for practical instruction. Avoiding rivalry with the State institutions of the country, its design should be to complete what they have begun. It should be an institute for men, not boys, and should be designed to supply the defects which cannot be reached bv the limited means of the States.

Such an institution would regulate and elevate the standard of learning throughout the country, and, above all, it would be the means of supplying our colleges and academies with thoroughly educated and well qualified professors and teachers. It is in this last respect that the deficiency of education in this country mainly consists. So limited is the course of instruction in most of our colleges, that their graduates on entering upon the duties of professors are oftentimes very little better qualified than the pupils of the higher classes themselves. Who can expect an able professor of chemistry, when the amount of instruction consists in two or three lectures a week for one short year? No laboratory—no practical instruction—and a bare acquaintance with the more common experiments introduced in a course of lectures. Who can make an efficient professor of mathematics, when the course is in many instances limited to mere mechanical operations? How is it in languages? How far do the beauties and defects of the classics claim the attention of the student, so as to fit him to criticise the various authors read by his class? Is it not the fact that our professors are oftentimes elected and enter upon their duties, not from a sense of present fitness, but from the hope that by proper diligence they may make themselves useful instructors? And even with the best natural abilities, how often are their energies and efficiency contracted, by the want of proper books for study and reference? Few of the libraries in our State institutions contain more than five thousand volumes, and many of them do not number as many hundred. Most of these books are of a character little suited to meet the wants of the inquirer, and he is thus left to rely upon his own resources for whatever attainment he may make in the study of his profession. The writer has felt the inconvenience of which he complains,—an inconvenience sufficient to dampen the ardor and contract the usefulness of any one. He has been engaged in the duty of public instruction for many years, and he has rarely been able to command one volume in twenty, which in the common

course of his studies it should be his duty to consult and examine.

How admirably would such an institution as I propose, meet the wants of the country in these respects?

But it is argued that the donation of Mr. Smithson is insufficient for so extensive a plan. Grant it. But do we depend alone upon this? May we not look for and claim the aid of the general government? With the exception of the academy at West Point, what has Congress done to advance the cause of education? Is it not time that something should be done, and especially at this time, when the astounding developments are ringing in our ears, which the results of the late census make known? It would seem as if the donation of Mr. Smithson had been providentially made, to direct the deliberations of Congress to this too long neglected subject. Five hundred thousand dollars will make a good commencement, and, if Congress will follow out the plan, a noble institution would be the result.

Does any one doubt the power of Congress over the subject? Does not the cause of education come legitimately within the meaning of that clause of the Constitution which gives to Congress the power of passing laws providing for the general welfare? What could more conduce to the public good, or in a greater degree promote the general welfare than a prudent and well regulated system of public instruction?

In one of the first messages of the Father of his Country to Congress, he thus adverts to this important subject,—showing that he viewed the cause of education as one which it was the duty of Congress to foster and promote. "I have heretofore proposed to the consideration of Congress, the expediency of establishing *a National University*, and also a Military Academy. The desirableness of both these institutions, has so constantly increased with every new view I have taken of the subject, that I cannot omit the opportunity of once for all recalling your attention to them. The Assembly whom I address, is too much enlightened not to be fully sensible how much a flourishing state of the arts and sciences contributes to national prosperity and reputation. True it is, that our country contains many seminaries of learning, highly respectable and useful, but the funds upon which they rest are too narrow to command the ablest professors in the different branches of liberal knowledge. Amongst the motives to such an institution, the assimilation of the principles, opinions and manners of our countrymen, by the common education of a portion of our youth from

every quarter well deserves our attention. The more homogeneous our citizens can be made in these particulars, the greater will be our prospect of permanent union; and a primary object of such a National Institution should be the education of our youth in the science of government. In a Republic, what species of knowledge can be equally important, and *what duty more pressing on its Legislature* than to patronize a plan for communicating it to those who are to be the future guardians of the liberties of the country." Again? in his farewell address, he says: "Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge." It would be needless to multiply instances in which the most distinguished men of our country have expressed themselves equally favorable to this cause; and I have only brought the sentiments of WASHINGTON to the public notice, because they must have weight with all who properly estimate the character of this great and good man.

But I have allowed myself to transgress the limits I had at first designed for this communication. I hope it may be the means of directing the attention of others to a subject which is of great importance to the welfare and happiness of the country. S.

Letter from Mr. Duponceau, President of the American Philosophical Society.

PHILADELPHIA, *November*, 1840.

TO FRANCIS MARKOE, JR.,
Corresponding Secretary of the National Institution.

MY DEAR SIR: I have read with great attention and pleasure the constitution and by-laws of the National Institution, which you have had the goodness to communicate to me. I assure you that I feel the liveliest interest in the success of this noble institution. I am happy to see it established in the city of Washington, the capital of our Union, and many reasons induce me to feel this satisfaction. The District of Columbia is deprived of the most important rights enjoyed by the States. Its inhabitants are in fact disfranchised, and do not enjoy the right of self-government; a compensation is due to them for this great sacrifice, and there cannot be a nobler one than the laurel crown of science, which I think our National Government is bound to give to them, for their and its own glory. When our

Government shows a sincere disposition to promote science and general knowledge, without which no free nation can long exist, it will produce many excellent effects; it will promote confidence in the National Administration; and, above all, it will soften the rage of party spirit, which threatens to involve us in the fate of the Roman Republic.

The details of your organization are of little consequence, as they may be altered by the institution at pleasure. Yet there are some principles by which I think they ought to be regulated, and which I shall take the liberty to explain to you. Every institution of this kind ought, in my opinion, to be constituted with a view to its efficiency and its perpetuity. These should not be lost sight of in any, even the most trifling, of its regulations. Efficiency is the first, because from its continued action perpetuity will arise and follow as a natural consequence. Experience will show you whether your constitution is or is not deficient in regard to this most important principle. The choice that you have made of your directors is a most excellent one, and I have no doubt will be attended with the happiest consequences. You have chosen two men high in office, whose means of assistance are considerable, and whose patronage will be important to you. I do not speak of their personal qualifications; they are well known to the world. One of them is already highly distinguished as a patron of science; of this I can speak of my own knowledge, as the American Philosophical Society, amongst others, is greatly indebted to him, and has placed him in the list of its benefactors. You have therefore done wisely in obtaining from the heads of the Government, that they should appear as the head of your institution. It is to be regretted that the Chief Magistrate of this great nation does not occupy that position in regard to this institution which the world will naturally expect from him, and which might enable him to be so eminently beneficial to his country.

I, however, cannot but highly approve of your choice of directors; but you must be sensible that men who, like them, have on their shoulders, in a great measure, the destinies of their country, cannot give much attention to the official duties which you have imposed upon them. It is from a higher sphere that they must govern your institution. I would, therefore, recommend that you should select two or three vice directors, to save them the labor which a regular attendance on your meetings would require of them. Their attendance should be free and voluntary, and I have

no doubt that, left to themselves, they would make every exertion, particularly in the inception of your labors, to direct and promote them. They will have to keep up a correspondence with other learned societies at home and abroad; and I would suggest that, by way of a beginning, they should write to those of America, soliciting their correspondence.

Amongst the officers of your society, those of whom most activity is expected, are your secretaries. You will, therefore, of course, choose none to those offices but the most active, zealous, and capable of your members. But all must put their shoulders to the wheel, particularly in the beginning, and until the institution is well established and consolidated.

That will be the work of time. Your institution embraces the whole circle of human science; therefore there are innumerable sources from which you may expect aid. But that aid is at first difficult to be obtained. I wish, therefore, you would think of some method to obtain it. The American Philosophical Society has found great benefit from the publication of a periodical bulletin of its proceedings, which is disseminated through all the learned world. Before that, they found much difficulty in obtaining communications from the learned, to be inserted in their transactions. The reason was, that it was not known how soon those communications might appear before the world. Fame, next to the consciousness of doing good, is the best reward of men of science, and they love to see their names and their productions made known to the public; but now, although sometime elapses before their articles are published at large, yet, as they are noticed, and a short analysis given of them in the Bulletin, this satisfies them so well that the society are never at a loss for materials for publication. Your society might not probably publish those bulletins immedidiately, on account of the expense; but some sketches of your proceedings might appear, from time to time, in one of your papers, so as to keep your institution always before the world, which appears to be necessary for its continued existence.

As I have spoken of expense, I must now touch upon a subject which appears to me of the highest importance, and of which it might, perhaps, be thought presumptuous in me to speak. I doubt much whether you can ultimately succeed without the aid of the Government. Were there nothing but your current expenses in the printing of your Bulletin, and ultimately of Transactions, which I hope you

have in view, money will be indispensably wanted. I have, in the beginning of this letter, explained that I think the Government is interested in assisting you, and I believe that they have the means fully in their power. I have always been of opinion that it was such an institution as yours, at the seat of Government, that Mr. Smithson had in view when he made his munificent legacy to the United States. He could not mean, in my opinion, that his money should be applied to the promotion of any specific branch of knowledge, much less to the foundation of a school or an academy. His views were more extensive. He wished to promote science in all its branches and departments, and therefore, he wished his institution to be fixed at the seat of Government; from whence, as from a center, the rays of science might be diffused throughout the whole country. And, therefore, Congress cannot find a better opportunity to execute the will of that beneficent testator than by laying hold of your institution, and making it its own.

Here let me be understood. I do not mean that Congress should immediately put into your hands the large legacy of Mr. Smithson, to erect with it grand buildings, make a great parade, and fail in the end, as so many others have done. That cannot be expected to be done until your society has become firmly established on a solid basis, and has acquired that high reputation which I hope it will always have in view in the learned world; but, in the mean time, Congress might, out of the interest, aid your exertions in proportion to your progress, and, at least, in the beginning, enable you to make those publications without which you cannot well expect to proceed. Thus your institution would grow under their fostering hand, and, in process of time, that great design of Mr. Smithson would be completely fulfilled. I say, in process of time, for time will certainly be required, before you can rise to the rank in science which you may justly keep in view. In my opinion, you should not attempt too much at once, but proceed gradually and systematically, being satisfied with every year showing to the world some progress, but not imagine that your institution, as I hope it will one day be, will come out at once, fully armed, like Minerva, from the head of Jupiter. Trust, therefore, to time, but let it be aided by your zeal, your activity, and, above all, by your energy. Energy is the soul of all great undertakings, but it must be continued, and never suffered to flag.

Here you have, in as brief a space as I could condense them, my opinions, my wishes, and my hopes. Let me,

therefore, conclude with the wish of father Paul, which, alas! was not fulfilled as to his Republic, but I hope will apply with more truth to your institution, "ESTO PERPETUA!"

I am, with great regard and esteem,

PETER S. DUPONCEAU.

Extracts from discourse of Hon. J. R. Poinsett, January 1, 1841.

There can be no doubt that a National Institution, such as we contemplate, having at its command an Observatory, a Museum containing collections of all the productions of nature, a Botanic and Zoological Garden, and the necessary apparatus for illustrating every branch of physical science, would attract together men of learning and students from every part of our country, would open new avenues of intelligence throughout the whole of its vast extent, and would contribute largely to disseminate among the people the truths of nature and the light of science.

A fortunate concurrence of circumstances offers a favorable occasion to carry all these important objects into immediate effect. A liberal and enlightened Englishman, foreseeing the benefits which would result to science throughout the world, by its successful cultivation in the vast and extensive field offered by these States and Territories, with enlarged views and praiseworthy philanthropy, has bequeathed a fund to be employed for the sacred purposes of increasing and diffusing knowledge among men. This bequest will enable the Government to afford all necessary protection to the promotion of science and the useful arts, without the exercise of any doubtful power, by the application of the annual interest of this fund to the establishment of an Observatory, the erection of suitable buildings to contain the collections, and for lecture rooms, the purchase of books and instruments, and the salaries of professors and curators. Specimens of natural history are rapidly accumulating. The exploring expedition has already sent home a large collection, which remains packed away in boxes in a room belonging to the Philadelphia Museum, generously loaned by the company for that purpose; and we may anticipate, from the ability and well known zeal of the naturalists who accompanied it by order of the Government, that the squadron itself, shortly expected, will return richly freighted with objects of natural history. I cannot believe that after all the labor, pains, and expense incurred in procuring them, these specimens are not to be brought to

Washington to be arranged and exhibited here. A geological survey of the Territory of Iowa was made a few months since, by order of the Government, and numerous valuable specimens collected by Mr. Owen. Mr. Nicolet has brought with him interesting collections made in the country he visited, and Doctor King, of Missouri, lately sent to the lead region on business connected with the Ordnance Office, while there collected specimens of minerals which are likewise destined for Washington. The Ordnance officers who have lately returned from Europe, have brought with them numerous specimens of the iron ores used in the foundries there, and measures have been taken to procure, as objects of comparison, those of the United States.

Several individuals have transmitted donations to the Institution, while others have deposited their collections with us, from a desire to have them preserved, and at the same time to benefit science. We have reason to believe that this will be extensively done as soon as the institution is firmly established. There are many of our countrymen who, like Sir Hans Sloane, the founder of the British Museum, look forward with regret to the sale and dispersion of their collections, made at great cost and pains, and desiring to have them preserved entire, would deposit them with an institution which will be as stable as the Government that protects it. For these purposes, and especially if it be intrusted, as we hope it will be, with the specimens of natural history collected by the exploring squadron, it will be necessary that measures should be early adopted to have erected on a suitable site, on the public ground, a plain fire proof building, to contain them, where the increasing and valuable collections may be displayed, and be examined by the scientific inquirer, and where he may resort for evidence to support his theories or to correct his views. We hope that this further contribution to science will not be withheld. The expeditions themselves have received the favorable notice of every civilized nation, and were fitted out in obedience to the will of the people, who would not desire to see the fruits of so much toil and danger perish for the want of this trifling additional expense. We cherish the hope that they will form the foundation of a National Museum, and contribute to spread the light of science over our land."

A PLEA FOR A NATIONAL MUSEUM AND BOTANIC GARDEN,

To be founded on the Smithsonian Institution, at the City of Washington,

BY WILLIAM DARLINGTON, M. D.

Read before the Chester County Cabinet of Natural Science, December 3, 1841.

The writer of this brief address is glad to have been reminded, since its delivery, that the very proposition which it advocates was substantially made, and forcibly urged, in the able discourse of the Hon. J. R. POINSETT, late Secretary of War, before the *National Institution*, at Washington, at their first anniversary meeting. The fact had entirely escaped his memory; though he has now no doubt that the suggestion (which he has been revolving in his mind without recollecting its origin) was in truth derived from that source. Had the circumstance occurred to the writer in season, he would have endeavored to fortify his own feeble "Plea," by availing himself of some of the more comprehensive views and powerful arguments of the honorable Secretary. As it is, he merely desires, in parliamentary phrase, to be regarded as *seconding the motion* so appropriately made by that distinguished promoter of Science and the liberal Arts.

It is known, probably, to every individual of this audience, that a munificent bequest was made, a few years since, to the United States, by Mr. JAMES SMITHSON, of London, for the purpose of founding, "at Washington, under the name of the *Smithsonian Institution*, an *establishment for the increase and diffusion of knowledge among men.*" This donation, amounting to about half a million of dollars, has been duly received, and is now in the possession of the United States, awaiting the action of the Government to carry into effect the magnanimous design of the testator; and as every citizen of this Republic is interested in the appropriate use, and faithful management, of the bequest, I propose to invite your attention, for a few moments, to some remarks and suggestions, which have occurred to me, in relation to the contemplated establishment. The "increase and diffusion of knowledge," I may observe, was the single and laudable motive which gave origin to our own humble institution—and is the object which alone prompts its efforts to be an useful auxiliary to inquiring minds. Such is ,also, the purpose of various other kindred associations in our land. But such an object should not be left to the scanty means of local societies and public-spirited individuals. It claims the fostering care of *a Nation.* And I trust it will not be deemed impertinent, or foreign to this occasion, to present a few considerations on the most eligible

mode of establishing the Smithsonian Institution, and of so conducting it as to make it what the generous founder intended—*a national benefaction.*

Various suggestions have been thrown out as to the *kind* of institution which would be most appropriate for accomplishing the object of the donor. But the public mind does not seem to be settled upon any definite proposition. Some have recommended a National Seminary, in which the usual branches of school learning should be taught gratis, or at a cheap rate; others have proposed the erection of an Observatory, for celestial operations, by means of which we might contribute our just quota of astronomical information to the great community of civilized nations, &c. None of these, however, appears to me fully to embrace the object contemplated. Our country already abounds in universities, colleges, and other high seminaries—many more, indeed, than are adequately supported—in which the various branches of Science and Literature are ably taught; and the establishment of an additional one, at Washington, would only be to build up a new rival, and thereby to augment the existing redundancy. It would probably weaken other similar institutions, and therefore tend but little, in fact, to the "increase and diffusion of knowledge among men." Besides, it would necessarily be limited and partial in its operations, and consequently become a source of dissatisfaction among those who were excluded. We see this objection exemplified, every day, in the envious and narrow-minded assaults upon that noble institution, the United States Military Academy.

The establishment of a national observatory would indeed be a commendable and useful measure. It is one of those institutions which every nation, with an extensive maritime commerce, ought to possess for its own sake, and which is due, as a contribution to Science, from every Government that aspires to an equal rank with the rest of the civilized world. But, as the immediate and palpable benefits of an observatory inure mainly to the commercial and military marine, it seems to come especially within the province, and to be the duty, of Congress, to provide such an establishment at the proper cost of the country. It appears to me to come distinctly under the same constitutional provision, for the protection and regulation of commerce, which authorizes the construction of buoys, breakwaters and light-houses; and this opinion has been sanctioned by one of the most learned and eminent of our statesmen, who, in urging the erection of an astronomical observatory, applies to those institutions the figurative but appropriate appellation of

"*light-houses* of the skies." This being the case, all the duties prescribed by the Constitution, and coming clearly within the province of Congress, should be left to that body to perform, in its own good time, with the means derived from the public revenues; while the appropriation of a bequest, like that now under consideration, should be made to some worthy national object, for which the rigid construers of the organic law may dispute the competency of the legislature to provide. It is well known that we have a class of statesmen, so called, whose minds are of so subtle and disputatious a cast, that no public measure, however valuable and desirable, can receive their support, unless it be expressly provided for in the Constitution, and even then they are always ready and prone to raise objections to any details of a liberal tendency. They have been so thoroughly disciplined in the school of "strict construction," and are so "profoundly skilled in analytic," that, like Sir *Hudibras*, they can

——"distinguish and divide
"A hair 'twixt south and southwest side"—

and no direct proposition can be started, for the generous purpose of improving our moral and intellectual character, as a people, which does not encounter the most inveterate cavilling. Hence it is, that I am for embracing the golden opportunity—which now presents itself divested of all these metaphysical difficulties—to establish at the seat of the General Government an institution for the "increase and diffusion" of a kind of knowledge which is of undoubted advantage, and should be freely communicated, to *all* men. I mean a liberal and comprehensive knowledge of the *material world*—a just conception of the productions of nature, and a general acquaintance with the useful works of art. It will scarcely be denied, that an adequate knowledge of this description would benefit every man that lives. It would enable every one—no matter what may be his particular vocation—better to understand and appreciate his position in this complicated scene of action, better to comprehend the means at his disposal for the promotion of his welfare; and, moreover, to avail himself, on the easiest possible terms, of the skill and experience which have been slowly and painfully acquired by others.

In pursuance of this object I would appropriate, in perpetuity, the income of the Smithsonian bequest to the establishment and maintenance of an institution at the city of Washington, the duty and business of which should be to procure from every region of the globe, as opportunity

offered, perfect specimens of every production of *Nature*, and intelligible models of all the useful implements or apparatus contrived by the ingenuity of *Art*, which specimens and models should be arranged and preserved expressly for the public instruction. I believe that such an establishment, properly conducted, and of ready access to all who desire to profit by it, would contribute more towards "the increase and diffusion of knowledge among men" than an other institution which could be devised; and the means being thus provided by the free gift of a generous stranger, I do not perceive how any *constitutional* phantom could be conjured up to thwart the design by the most transcendental "Abstractionist" that ever emanated from the "Ancient Dominion."

Being relieved from such obstacles—which, though originating in the imagination, are by no means *imaginary*, as all will admit who have had any experience in national legislation—our proposed institution would be enabled to commence its career under the happiest auspices. Being the common property of all, presenting nothing but attractions and involving no sinister interests, it would conciliate the affections and speedily become the petted favorite of the whole people. Unlike some of our ill-favored and mischievous *political pets*, it would stir up no unseemly jealousies and strifes, but would present a charming neutral ground, where all generous spirits could meet in harmony and good humor, and find a temporary refuge from the eternal bickerings of *Party*.

What a gratifying spectacle to see an institution such as may now be established, devoted to the pure purposes of intellectual improvement, uniting all hearts in its support, and impartially diffusing its benign influences throughout the length and breadth of this mighty Republic! And why should we not have such an establishment? Nearly every crowned head in the civilized world has taken care to found such noble institutions, and to render them the delight of his subjects and the ornaments of his realm. Like the floral beauties which cluster upon the walls of some antiquated castles, they serve at once to disguise and decorate the uncouth structures which sustain them. Why, then, should not the classic pillars of our Republican fabric be wreathed with the chaplets of Science and festooned with the garlands of Taste? Are the vassals of every despotism entitled to the gratifications to be derived from the means of knowledge and the congregated beauties of Nature, and are the free citizens of a Republic alone to be excluded from such

rational enjoyments? Must we all, and forever, in this glorious field for human improvement, be tied down by "strict construction" to the groveling, sordid cares of mere pecuniary concerns, or, at most, be indulged with a periodical scramble for the "spoils" of partisan victory?

In my humble opinion, those who are worthy of the name of freemen—*intellectual freemen*—should have some other, some loftier object, (by *intervals*, at least,) than the everlasting consideration of the merits and capabilities of the "almighty dollar;" and while I fully assent to the maxim that unceasing vigilance over the conduct of rulers and political leaders is the condition on which we hold our liberties, I nevertheless believe we may occasionally venture to relax the tension of party strife, and allow our minds a brief indulgence in the more amiable recreations of Literature and Science.

But I hold it as an unquestionable truth that a National Institution, such as has been suggested, would possess the twofold merit of promoting intellectual advancement and ministering to the improvement of our physical condition. Its location has been judiciously fixed by the testator at the seat of the General Government—the attractive center of all our national concerns, and enjoying a happy medium in reference to climate and geographical position. Let there, then, be established at the city of Washington an ample *Botanic Garden*, adapted to the cultivation of all the interesting and valuable species of vegetable creation, so that we may become practically acquainted with all the plants which are useful to man, and ascertain how many, and which of them, are worthy and susceptible of being introduced into the culture of the various districts of our Union. The importance of this to *agriculture*—the great and deservedly prominent interest of our country—must be obvious on the bare suggestion. It would, moreover, insure success, and give an abiding interest to the noble project now in agitation of forming a *National Society* for the promotion of agriculture. It would afford the ready means for judicious experiments in vegetable culture, and aid in sifting all useful facts from the chaffy mass of idle theory, prejudice, and delusion. In short, it may be made the instrument for collecting the scattered rays of agricultural knowledge, as it were, to a focus, and thence directing them with a concentrated light and a genial warmth to every department of that interesting practical science.

Within the boundaries of this national garden should be an appropriate receptacle, or *museum*, for the preservation and systematic arrangement of all specimens in Natural

History, illustrating as well the geological structure of our planet as the character of the materials which form its crust, and of the organized beings which inhabit its surface.

It should be made the duty—as I am sure it would be the pleasure and the pride—of every officer in the naval and military service, to embrace all opportunities for adding to the riches of this national treasury of knowledge. The revenues from these sources would soon exceed any estimate which could now be made, while the cost of collection would be altogether nominal; and although, as *politicians*, we may quarrel and contend about "*fiscalities*" and "*sub-treasuries*," I am confident that, as lovers of nature and true national glory, we should cordially unite in making every officer and public agent a *sub-treasurer* for the generous purposes of this institution. The collections already made and forwarded to Washington by the glorious expedition now exploring the southern hemisphere will form an appropriate nucleus or foundation for the establishment, and the expected additions from the same source will no doubt greatly enhance its value. With these rich materials—the fruits of an enterprise which will reflect honor upon our Government to the latest generation—we may safely commence the institution bequeathed to us "for the increase and diffusion of knowledge among men."

To the means thus briefly indicated for promoting a knowledge of those *natural productions* which have been placed at our disposal by a beneficent Creator I would have annexed, as already mentioned, a department for the collection and exhibition of all the useful implements and machinery which have been contrived by *art* for aiding the operations and improving the condition of the human race; and this desirable appendage, as every one knows, is, to a great extent, already prepared to our hands in the admirable establishment for the preservation of *models*, which are required to be deposited on the issue of *letters-patent* for new inventions. This department might be conveniently and most appropriately made a branch of the proposed institution.

With these combined advantages, and the requisite additions being supplied as opportunity offered, we should soon possess the means of acquiring a competent knowledge of all that exists in *nature* or has been produced by *art*, and *that* I should call a *genuine* "establishment for the increase and diffusion of knowledge among men." While our local seminaries would be appropriately engaged in imparting languages, rules, and other instruments of mental culture,

laboring at the various subdivisions and *branches* of knowledge here, at the common center of the Republic, we should have the *entire tree*, in perennial verdure, accessible to all who might desire to participate in the pleasures and benefits afforded by its flowers and its fruits. Every terrestial object interesting to man would here be submitted to the examination of his senses, and rendered intelligible to his understanding; and every citizen whose taste or talents fitted him for the acquisition, instead of wandering at the peril of life and limb in the pursuit, would here find the elements of knowledge, drawn from every region of the globe, and adapted to his use, in the very bosom of his native land. And this, let me add, is in my opinion the true method for *diffusing knowledge among men.* Present the inducements, furnish the means, point out the way, and then leave the student to gain the prize by the efforts of his own talents and industry.

The ordinary practice of attempting to force indiscriminately upon the minds of pupils a determinate portion of school learning is something like the process of drenching a juvenile patient with the unpalatable prescriptions of the doctor. It may be beneficial, and sometimes indispensable, but the medicine is apt to be rejected, and is almost invariably recollected with loathing. Yet, when the sufferer has acquired a proper sense of his condition, and comprehends the necessity of the case, he seeks a remedy with eagerness, and applies it without the slightest regard to any unpleasant contingencies. Instead, then, of merely adding to the number of seminaries for the indiscriminate infliction upon the young of certain prescribed doses of learning, I would establish our Smithsonian Institution as a great national warehouse of knowledge, where every one might find something suited to his wants, and to which he could freely resort whenever he became conscious of his necessities.

I would, however, provide one or more suitable persons, in the character of curators, who should be competent to expound the principles of arrangement, to elucidate whatever might be obscure, and, generally, to facilitate the researches of all who might require assistance. More extensive or direct means of instruction, if found expedient, could at any time be provided.

For the general direction and management of the establishment there is, happily, also on the spot an organized body of the most respectable character, well fitted, and no doubt cheerfully prepared, to discharge the duty. A "*National Institute for the Promotion of Science*" has been recently

established at Washington, which seems to be expressly adapted to such a trust. The members and officers are of the most distinguished residents of that city, and, by the constitution, the Secretaries of the War and Navy Departments are, *ex officiis*, directors of the institution. There is, then, an ample provision for keeping the whole concern duly under the inspection and control of the Government; and being in its nature entirely unconnected with mere party considerations, it would doubtless become, as it ought, an object of generous rivalry with successive administrations, each striving in turn to excel its predecessors in promoting the prosperity and extending the benefits of the establishment.

I cannot permit myself to believe there would be any danger of its ever degenerating into an object of mere partisan cupidity, or being converted into a political *lair* by any of that ravenous tribe who instinctively lie in wait for the offal of Government patronage. Such a desecration would shock the national sense of decorum, and would be scarcely less repugnant to the habits of the strange incumbent himself. Who ever heard of a professional office-hunter—a regular mouser for party favors—taking an interest in the beauties of Creation, or co-operating in the promotion of Science? The idea is preposterous. His nature would revolt at such a position. The very atmosphere of the place would be unsuited to his respiration, and every influence within its boundaries would combine to expel him from the consecrated ground. Or, if by some miraculous development, a taste for liberal pursuits should chance to be awakened in such an incumbent, we should see a metamorphosis as salutary as it would be rare, and thus the institution would still be safe.

In every event, I believe it would prove a most valuable auxiliary in diffusing useful knowledge—expanding the minds, humanizing the dispositions, and refining the tastes of our people—and consequently elevating the national character to that high standard of civilization which becomes a great and enlightened Republic.

I have thus, hastily and briefly, adverted to a few of the considerations which induce me to believe that a NATIONAL MUSEUM AND BOTANIC GARDEN, built up and sustained by the *Smithsonian Bequest*, and dedicated to the instruction of the American people, would not only be a legitimate object for the appropriation of that fund, but would practically do more towards the "increase and diffusion of knowledge among men" than any other institution which has yet been suggested. The benefits resulting from it would be more

numerous, more palpable, more accessible—and therefore more generally enjoyed by the nation at large—than those of any other single establishment. If this be true, should we not unite, as with one voice, in urging the accomplishment of so noble a design? And may we not indulge the hope that our public servants—who profess such eagerness to gratify the wishes of their constituents—would promptly respond to so reasonable a request? To doubt their compliance with such a manifestation of the sovereign will would be treason against the very theory of our Government. I shall be guilty of no such political heresy. I shall anticipate no such contumacious neglect of representative duty; but will look forward with confidence to the day, when the citizens of this Republic shall possess all the means, and enjoy all the advantages, of intellectual culture which have been hitherto monopolized by the subjects of European monarchies.

Let us, then, never falter in our efforts, nor halt for an instant in our career of improvement, until our temples of Science shall vie with the noblest of those beyond the Atlantic. And while the Frenchman justly glories in the *Jardin des Plantes*—while the Briton boasts, with reason, of the Royal Garden at Kew—and even the Russian, in his frozen clime, is warmed into admiration by the Imperial Conservatory of the Czars—let *American freemen*, in their turn, be enabled to point, with patriotic pride, to a *National Institution*, of no less beauty and value, at the Metropolis of their own favored land.

AN ADDRESS ON THE DUTIES OF GOVERNMENT,

In reference chiefly to Public Instruction, with the Outlines of a Plan for the Application of the Smithsonian Fund to that Object,

BY REV. WILLIAM BARLOW.

Delivered, in substance, before the American Institute, in the Lyceum of Natural History, in New York City, February 10, 1847.*

GENTLEMEN OF THE AMERICAN INSTITUTE:

The main object of the discourse which I am now to deliver is to lay before you the outlines of a PLAN *of a Smithsonian Institution "for the increase and diffusion of knowledge among men,"* in conformity to the WILL of the late JAMES SMITHSON, of England, by whom a fund for that purpose has been bequeathed to these United States.

Preliminary, however, to the main design, I beg leave to submit a few thoughts on the great ends of government, and its duties in regard to public instruction. The theme deserves our fixed attention; for, where the sovereignty is vested in the people, and the legislator is the mere exponent of the popular will, constitutional liberty and social well-being must depend mainly on the intelligence and virtue of the constituency. * * * * * *

The terms of the will must determine the character of the institution; and, brief as they are, they seem to be sufficiently explicit to show what were the wishes and intentions of Mr. Smithson.

First. It is evident, I think, that he contemplated the founding of an INSTITUTION *sui generis*—different from any existing university, college, library, museum, or gallery of art. Had he intended any one of these he would have said so, without any circumlocution.

Secondly. By "MEN" he undoubtedly meant *all men*, but especially all citizens of the United States—*the masses of men, the comparatively neglected millions, as distinguished from the privileged classes.* Having in view the benefit of the *people*, he selected this country as his heir, naturally supposing that a popular government would discharge the trust in good faith for the advantage of its constituency.

Thirdly. By "THE INCREASE AND DIFFUSION OF KNOWLEDGE" I suppose he meant, not so much the increase of the *sum*

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of human knowledge by new discoveries in science, as the wider diffusion of that which is already in possession of the race—*the increase of knowledge among the millions by diffusion, the increase of the millions who know.* He did not design to put men upon the search of undiscovered truths, to augment the scientific stores of some future Newton, Porson, or La Place, but to call into existence a system of expedients to spread knowledge and equalize its advantages.

Fourthly. By the "KNOWLEDGE" to be diffused he must have intended, not the simple elements taught in primary schools; not the recondite lore of the higher seminaries, for which the millions have no leisure; not the dogmata of theology, which it is the business of the Church to teach, but *secular knowledge, adapted to the continued education of manhood, suited to the wants of the millions and not otherwise adequately provided for—knowledge touching their* BUSINESS, *their* INTERESTS, *their* SOCIAL DUTIES *and* POLITICAL RIGHTS.

On all these points gentlemen have fallen into error. The word *institution* seems to call up in their minds all the institutions of civilization where knowledge is to be acquired, and the new desideratum they propose to form by combining them together. Instead of planning an institution for the benefit of the millions, they devise one for the benefit of the graduates of colleges, members of Congress, and gentlemen of leisure. Instead of diffusing knowledge, they concentrate it at Washington.

The main object of Mr. Smithson *must* have been the *diffusion* of truth. An institution for *the discovery of new truths*, and one for *the diffusion of old ones*, must of necessity differ widely in their plan and details. He said nothing of two distinct institutions, but of *one* only. If he intended the first, he must have been insane. An institution incorporated at Washington to make scientific discoveries, or to pick up diamonds on the Rocky Mountains, would be an absurdity. Men do not find planets or diamonds because they are incorporated for that purpose. But an institution for "the diffusion of knowledge among men" has a definite and practicable object, fraught with certain and substantial benefits to mankind, and the conception of such a scheme evinces both the wisdom and philanthropy of the testator.

But allowing that the increase of the *sum* of human knowledge was intended by him, I think he would not have advised the appointment of half a dozen men to take their daily rounds through a library of 500,000 volumes, a garden of 500,000 plants, and a cabinet of 500,000 curiosities, as the means of attaining that object. The most direct way

to increase the aggregate of human knowledge would be to diffuse what we have among the masses. This would be the "*open sesame!*" the talismanic word which would unlock the hidden chambers of science. Instead of putting ten men into snug sinecures, the true method would be to put ten millions of men upon the search of truth, when it might happen that the immortal discoverers would come forth from some obscure cabin on the Aroostook, or some remote cottage of the prairie. Discoveries must be left to time, to chance, to the researches of the solitary student, to men whom God shall inspire with the spirit of excellent wisdom. But *the seed of scientific discovery is diffused knowledge.* This should be sown broadcast among the masses. This was the object of Mr. Smithson—"To increase and diffuse knowledge among men."

Of the various plans which have been suggested, that of the Hon. Richard Rush, addressed to President Van Buren, is the most remarkable. He advised the appointment, by the President and heads of Departments, &c., of as many lecturers as the funds would bear, whose duty it should be to "illustrate the democratic principle in elementary disquisitions," &c., which were then to be submitted to the President, and if approved by him, published. He pregnantly remarks: "If knowledge is power, *power directing knowledge* may make it efficacious;" and he sagely augurs that "the desire of fame, increased by the hope of their lectures being published, might be expected to stimulate them to exertion; and if incentives so high were wanting, *the tenure of their appointments*, where the *Executive* and the public eye would be upon them, would act as a guard against any slackness in their duties." This scheme embraced other and better features, but this was its most prominent one. The adoption of this bad plan would have made the bequest a corruption fund, and its lecturers a corps of Executive sycophants and political hacks. I mention it merely to show what projects politicians are capable of conceiving, and to what base purposes this sacred bequest may be perverted if it be not vigilantly guarded.

Doctors Cooper, Chapin, and Wayland concur in recommending a kind of *university*. Dr. Cooper would open it only to the graduates of colleges. Dr. Chapin would have a few chairs filled with "professors of the first powers and attainments;" of which few chairs he specifies only ten. Dr. Wayland would have its course of studies commence where the studies of our colleges and West Point school end. To this plan, in all its unimportant varieties, we object

that the professorships in such an institution in the city of Washington would be sinecures, and its halls solitudes. Life, in America, is thought to be too short to admit of a university course *between* the collegiate and professional studies. *It would be the most thoroughly exclusive and aristocratic institution of learning in the world.* None but the opulent and the learned would enjoy its advantages; whereas this legacy was not intended for the exclusive benefit of an aristocracy of wealth and learning, but of the comparatively uneducated masses—"To increase and diffuse knowledge among men."

The Hon. John Q. Adams repudiated the plan of endowing a school of any sort, because the American people are sacredly bound, he says, to provide for education at their own expense, and ought not to be indebted for such a provision to the eleemosynary donation of a foreigner; and yet Mr. Adams advised the erection of an astronomical observatory, the appointment of an astronomer, assistants, and attendants, and the publication of a nautical almanac. This application of the fund is clearly open to his own objection, that the Government should furnish such an institution at its own charge. It is open to the still more fatal objection, that it would be a violation of the national faith. Mr. Smithson could not have contemplated any such use of his money. He was thinking of men, not of the planets; and designed to diffuse among them something more than nautical almanacs. All knowledge, it is true, benefits man; and he that counts the stars, and he that counts the spawn of the cod, adds something to the common stock; but neither the one nor the other was the thing intended by Mr. Smithson. Fortunately, this plan has been superseded by the erection of an astronomical observatory at the public expense—a bill for that purpose having been smuggled through Congress under the pretense of erecting a building to keep maps in.

The Hon. Mr. Tappan proposed a botanical garden, like the *Jardin des Plantes*, in Paris; agricultural experiments on a farm to be provided for that purpose; conservatories, chemical laboratory, cabinets of natural history; lectures, somewhat on the plan of Mr. Rush, for the benefit of members of Congress with their families; members of the Government with their's; inhabitants of the city, and strangers visiting it. A library was to be created, at the expense of $5,000 per annum; and, finally, an establishment for printing scientific treatises, tracts, &c. This scheme would have produced a college without students; professors to teach members of Congress gratis; a flower garden to supply

bouquets for the ladies, and "elegant tenements" for the hangers-on of the party in power. All very good things in their way, but not the things intended by Mr. Smithson. The redeeming feature of this plan was the establishment for printing. I apprehend, however, that it would have proved merely a large leak to let off surplus funds. How the treatises were to be disposed of I am not informed—probably as gratuities to members of Congress and their friends. Such a splendid group of establishments would have exhausted the entire funds of the institution at the outset. They would have served to garnish "the city of magnificent distances" so long as they were supported from the national treasury, but would have reflected but little light upon the minds of the millions beyond its suburbs.

The Hon. Mr. Choate proposed to amend the scheme of Mr. Tappan, by appropriating to the library $20,000 per annum, for twenty-five years. He retained all the other features of the plan, excepting that he restricted the lectures to the winter, and the publications to the lectures delivered. The nation might well be proud of such a library. With a little economy in the distribution of the spoils, twice the amount, possibly, might be saved from the treasury. The Government would do well to found such a library; if for no other purpose, to aid the researches of our Prescotts, Irvings, and Sparks. But this should be done with its own money—not with this trust fund. To imprison knowledge in 500,000 volumes of gilded calf, and lock it up behind doors of glass and mahogany, would be a grand affair—a splendid thing for members of Congress to look upon. But if it were created by the Smithsonian fund, it would be a magnificent violation of the national faith! Mr. Smithson gave his money in trust, to increase and diffuse knowledge among men—not to stow it away on shelves of deal, inaccessible to all but the keeper and the moth; at any rate, wholly and forever inaccessible to the millions. So far from carrying out the design of Mr. Smithson, it reverses it; and instead of diffusing knowledge, concentrates it at Washington, where there is already one of the largest libraries in the Union.

The bill of the Hon. Mr. Owen provided for lectureships on agriculture and chemistry; for the extensive use of the press, in the diffusion of knowledge; and for a normal school, for the education of teachers. The peculiar feature of this bill, the normal school, would, I apprehend, differ from the institution recommended by Doctors Chapin and Wayland, as being inferior; and from a hundred academies

already established, as being more inaccessible. Such institutions should be founded where living is cheap. Washington would be the most unfavorable locality in the Union. The few who could afford the expense of a school there, would be apt to prefer some college, where proficiency might obtain at least the reward of a diploma. Mr. Owen's plan for employing the press, was probably the nearest approach to the great desideratum which had been made. But here everything would depend upon the mode of distribution. His plan, as a whole, appears to me to have embraced too many objects for the fund to bear, and machinery too much complicated to run well. In both these respects, however, it was much to be preferred to the plans which had preceded it. It bore the marks of intelligent thought, practical wisdom, and honest patriotism; but it was fated to be superseded by a piece of patchwork, which, in the session of 1845–46, became the law of the land.

The act to establish the "Smithsonian Institution" combines some of the worst features of the preceding plans, while it wants their redeeming qualities. It provides most amply for wasting the entire income of the fund upon an assemblage of distinct establishments under that name. It creates a vast and complicated piece of machinery, which would require the income of millions to keep in repair, and which would seem to have no ultimate object external to itself.

The first section constitutes the President and Vice-President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Attorney-General, the Chief Justice, the Commissioner of the Patent Office, and the Mayor of the city of Washington, during their continuance in their respective offices, "*and such other persons as they may elect honorary members*," "an establishment by the name of the Smithsonian Institution," "to have perpetual succession," &c.

No limit is here set to the number of honorary members. The Cabinet may appoint them *ad libitum*. There may be ten or ten hundred. With two exceptions, the whole body may be changed with every change of the Administration. No duties are assigned to it but those specified in the 8th section, namely, "to hold stated and special meetings for the supervision of the affairs of the said Institution, and the advice and instruction of the said Board of Regents." As, however, the said Board of Regents is, by section third, authorized "to conduct the business of the Institution," it

was obviously unnecessary to assign any other than *nominal duties* to the *nominal institution.*

The creation of this nominal institution, though utterly useless as regards the transaction of business, is a matter of grave import touching the funds. If, as seems to have been the intention, and as justice itself requires, "the members and honorary members of the Smithsonian Institution" are to be entitled, as well as the Board of Regents, to draw upon the funds for "their necessary travelling, and other actual expenses," when attending at "its stated and special meetings," revenues may be required for the "actual expenses" of an exceeding great army of men, "desiring the crumbs which fall from the table."

The third section confides the business of the Institution to a "Board of Regents," consisting of the *Vice-President* of the United States, the *Chief Justice* of the United States, and the *Mayor* of the city of Washington, during the time for which they shall hold their respective offices; *three* members of the *Senate*, to be appointed by the President thereof; *three* members of the *House of Representatives*, to be appointed by the Speaker thereof; and *six* other persons, to be appointed by joint resolution of the Senate and House of Representatives, fifteen in all. Vacancies to be filled by Congress in the usual manner.

This Board of Regents constitutes, in fact, *a duplicate Smithsonian Institution*, differing from the first as being the real, while the other is only the nominal Institution. The organization of this board, like the other, is wholly of a party character, and liable to constant change. The principle of rotation in office, carried into the institute, will deprive its officers of the benefit of experience. Its offices will be so many places added to Government patronage, and its income will be so much money added to the spoils of the victors.

It will be their duty to hold "regular and special meetings;" to appoint and remove subordinate officers; to superintend the building; to audit accounts and disburse moneys; to furnish the cabinets, laboratory, library, and gallery of art; to make exchanges of specimens; and report their operations to Congress. In a word, to manage the complex machinery of the *several institutions* to be created under the name of the "Smithsonian Institution." Their offices will be no sinecures, but "their services as Regents are to be gratuitous." As, however, most of these fifteen gentlemen may be called from distant States to attend to their duties, "the travelling and other actual expenses" may absorb no

trifling proportion in the final division of the assets of the Institution.

Section five provides for the erection of a building, "with rooms or halls for the reception and arrangement, upon a liberal scale," of the following distinct institutions: 1. A "*Museum*" of "objects of natural history, including a geological and mineralogical cabinet." 2. A "*Gallery of Art*," to be furnished, probably, with statuary, paintings, engravings, and other costly things in that line. 3. A *Library*, to which the board may appropriate "not exceeding $25,000 per annum." 4. A "*Chemical Laboratory*," with the furniture necessary for chemical experiments. And finally, "*the necessary lecture rooms*," requiring lecturers, of course, and constituting, perhaps, the university recommended by Doctors Chapin and Wayland, or perchance the corps of political lecturers proposed by Mr. Rush.

It appropriates for the building the interest which has already accrued on the fund, namely, $241,129, "together with such sum or sums, out of the annual interest accruing to the Institution, as may, in any year, remain unexpended, after paying the current expenses of the Institution." This is to be much observed. After paying the current expenses, *the surplus income may be expended upon the buildings!* It would seem that something should be reserved to "diffuse knowledge among men," and that such surplus might be so appropriated. However, as there are at least four distinct institutions to be provided for out of the paltry income of $30,910, the surplus will not be worth contending about.

Of the subordinate officers, one only is specified—"the secretary of the Board of Regents"—who is authorized, with the consent of the board, to appoint assistants. Their number is not specified. Each of the four institutions will require at least one officer of its own. To purchase, judiciously, $25,000 worth of books, would require one or two competent agents. *Virtuosi* would be wanted to make collections for the museum and gallery of art. To these must be added a retinue of servants, and interminable expenses incident to foreign and domestic agencies, and inseparable from so magnificent an assemblage of establishments.

The financial aspect of this law presents some remarkable features. The original fund is invested in the treasury, and yields an income of $30,910. Of this income $25,000, may be annually expended in books. A museum and gallery of art, "on a liberal scale"—on a scale worthy of a great nation, and similar to other national institutions of the kind abroad—would require at least as much more; for, if the

thing cannot be done on this liberal scale, it should not be attempted at all. "The travelling and other actual expenses" of the superior officers of the institution, will admit of no certain estimate. If there were a will, there would be a way, to make this item absorb half the income. It can hardly stop short of some thousands. There must be four subordinate officers at least, who would be entitled to receive from two to three thousand dollars: say $10,000. Add to these the expenses attending foreign and domestic agencies, correspondence, transportation, wages of a numerous troupe of servants, light and fuel for the whole suite of establishments, occupying an edifice costing at least $300,000; and occasional printing of reports, lectures, &c. Last of all, the 9th section provides, "that of any other moneys which have accrued, or shall hereafter accrue, as interest upon the said Smithsonian fund, *not herein appropriated*, or *not required for the purposes herein provided*, the said managers are hereby authorized to make such disposal as they shall deem best suited *for the promotion of the purpose of the testator.*"

Here is a scheme of appropriation which would exhaust the income if it were three hundred thousand instead of thirty, without approaching the object of the bequest. Officers and employees are to be first paid. If there should be a surplus, a gallery of art, museum and library may be created. The residue, if there should be any, may be applied to eke out the building fund. And finally, if by some financial miracle, any thing should remain of that which has been thrice consumed, that miraculous residuum may be applied "for the promotion of the purpose of the testator."

It would seem to be well understood that "the moneys herein appropriated," and "the purposes herein provided," do not promote the purpose of the testator—as most certainly they do not. The law does not forget that the testator had a "purpose," and that the faith of the Government is pledged to carry it into effect, but with these facts looking it in the face, it appropriates the income, to projects which do not conduce to the accomplishment of the purpose; but serve only to gratify a national vanity. But what appropriation does it make to carry into effect the object of the generous Smithson? Not the first dollar! But with intense irony it tells us, in effect, that the said managers are authorized to apply to this object, *the remainder, when* ALL *has been wasted!*

No one can suppose that the enormous abuses of a sacred trust, to which this law opens a wide door, were contemplated by the honorable body by whom it was enacted—

Congress wished, perhaps, to gratify the several projectors by incorporating their respective contrivances into one anomalous institution. But after all the deliberations of years, its final action was characterized by haste—almost fatuity. Some creature of a clique, it would seem was prepared to come forward, at the last moment, with this odious scheme, and the plan of Mr. Owen was suddenly superseded. It is instinct with the partisan spirit of the scheme first reviewed. It looks, to my eye, like the same, but rendered more complex by monstrous appendages, and wearing a mask of hypocrisy over its visage of brass. It is a violation of the national faith, and a fraud upon the American people. It robs us of our money, and appropriates it liberally to projects conceived in folly; but to the great purpose of the testator—"*the diffusion of knowledge among men*"—it grants nothing, absolutely nothing. I call upon the American people to place their brand upon the odious law; and to reclaim their money before "such contracts or individual rights" shall be "made or acquired under it," as shall alienate it altogether from the sacred purpose for which it was given.

I shall now proceed to suggest a method of appropriating the proceeds of the Smithsonian fund, which would, I conceive, accomplish the purpose of that philanthropist.

Of the Fund.—Let the Government charge itself with the purchase and maintenance of the library, museum, and gallery of art, &c., if these projects must of necessity be persisted in, and thus relieve the Smithsonian fund of a burden foreign to its design. Let the original fund of $515,169, with so much of the interest which has already accrued thereon as would make up the amount of $700,000, remain in the Treasury of the United States, as a permanent fund, drawing interest at six per cent. per annum. This would yield for the purposes of the institution, $42,000. Let the balance of the interest now on hand, say $57,298, be expended in the erection of a suitable building for the uses of the institution, on grounds authorized to be taken for that purpose by the present act; but *not* so as to form a wing of the Patent Office. This amount would erect a building sufficient, but not showy. If the Government wishes for something in the way of architectural display, let it provide the means, but not enlarge to such dimensions as to waste the scanty income in repairs and attendance.

II. *Of the Regents.*—Let the regents of the Smithsonian Institution consist of the judges of the Supreme Court,

who compose the bench at Washington, with an equal number selected by themselves from among the sages of the land, who have become illustrious for their wisdom and virtue, and who have retired from the strife of politics. Let all vacancies by death or resignation, among the associates of the judges, be filled by the election of the whole board; the vacancies on the bench of judges being filled as by law provided. Let the board so constituted have perpetual succession, and possess all the necessary corporate powers, as the Smithsonian Institution. Such men as these judges, with such other men as Albert Gallatin, James Kent, James Tallmadge, would be inaccessible to the corrupt influence of party. In the management of the trust confided to them, they would give to the country the benefit of their wisdom; they would possess its confidence, and redeem its plighted faith. They should be invested with large discretionary powers, and should report to Congress at each session the doings and condition of the Institution.

III. *The Editorial Bureau.*—Let the Board of Regents appoint the subordinate officers of the institution; namely, two editors and two assistants; one of whom shall be the corresponding, and another the recording secretary of the institution. These officers should be selected from among the ablest men whose services can be commanded. Their compensation should be liberal. They should not be removable except for cause, and by the vote of a majority of the appointing power. The permanency of their appointments would be an inducement to bring all their faculties to their work, and to aim at the highest perfection in the duties assigned them.

IV. *Volume of Practical Science.*—Let it be the duty of this Editorial Bureau to collect, from all sources, all that is known touching the subjects of agriculture, manufactures, commerce, architecture, engineering, the fine arts—in short, in all branches of productive industry; to extract from the mass that which is best calculated to subserve the industrial interests of the country, and digest and arrange the same into a form adapted to popular use. Let the large *annual* volume, of 800 or more pages, octavo, be compiled, containing more or less upon all these subjects, so as to give to each volume the attraction of a rich variety. Let it be stereotyped in the best manner, with double sets of plates. Let the work be enriched and embellished with maps, plans, plates, engravings, illustrative of the matter contained in the volume, particularly natural history, mechanics, archi-

tecture, and the fine arts. Thus making it at once an invaluable compendium of practical science, and a book of beauty; adapted to the wants of the cottage, and worthy for its elegance of the saloon of the palace. Besides the standard topics mentioned, other matters of science and general interest, improving to the tastes and elevating to the character, might be admitted to enliven its pages. I would wish to have, in process of time, the kingdoms of nature and art explored, to find the forms of truth and beauty to enrich that book. If, by reason of constant discussion, or the want of fresh matter, the standard topics should lose any portion of their interest, new life might be infused into the series by adopting works on collateral subjects. In default of native works adapted to this use, foreign works, like the Bridgewater Treatises, might be admitted. Such an emergency, however, is not to be anticipated.

V. *Political Collectanea.*—Let the second *annual* volume be compiled and stereotyped, in size and style uniform with the first, and constituting a political collectanea. It should contain a digest of the proceedings of the legislative, executive, and judicial branches of the General Government; important State papers; abstracts of Congressional reports; treaties; diplomatic correspondence; statistics; notices of internal improvements; notices of State legislation, with their most valuable documents; statistics of foreign countries; memoranda of their legislation, and current political history. It should be, in short, a current political history of the world, but especially of our own country—a panoramic view of nations as they exist at the passing moment. It should contain the cream of that knowledge which the freeman needs to qualify him to serve his country, whether at the polls or in official station. It should be *history taken from life*, by a sort of literary daguerreotype—a book of facts, compiled in the spirit of truth and impartiality, untainted by party prejudices, beyond the reach of party influences. I would wish it to become, in the process of years, a more valuable book of reference for the statesman than exists in any country—more full and elaborate than Niles' Register, and expurged from its dross—more general in its scope and less encumbered with useless matter than Hansard's Parliamentary Reports—more available for the present and future student of legislative history than Rymer's Fœdera. It should have the good qualities of all these, without their defects, and other good qualities which none of them have.

VI. *Preliminary Series of Volumes.*—And here I beg leave

to suggest that, if such a current documentary history should be commenced, the design should be perfected by the compilation of an *introductory series of volumes*, containing all the most important documents relating to the history of the country from its first settlement, and especially from the middle of the eighteenth century. They should be uniform in style with the series above proposed, and embrace a great deal of matter for the gratification of the antiquarian, as well as for the instruction of the legislator and historian. The Smithsonian fund should spare nothing for this retrospective purpose; but the desideratum would be cheerfully supplied by the General Government. England has set the beautiful example in her Fœdera. It could be compiled, stereotyped, and published in the same manner as the serials of the Smithsonian Institution, as suggested below.

VII. *Method of Publishing.*—Let the use of the plates of the two serials be granted, for a term of years, without charge, to such responsible publishers as would engage to supply all purchasers with the works, executed in a given style, *at the lowest price*, and deliver the same for sale in such of the great cities of the Union as shall be designated in the contract. As the compiling, stereotyping, and engraving would be done at the charge of the Smithsonian fund, the purchaser would pay only for the *paper*, *press-work*, *binding*, and the small percentage which should of right constitute the *profits of the publisher*. If the two annual volumes were in matter and style such as I conceive they should be, and such as I have attempted to describe, they should be worth, at the ordinary rates, four and five dollars respectively, or at least eight dollars for the two. Without going into minutely accurate calculations, it would be safe to say that they would not cost the purchaser more than three dollars. The balance of five dollars in the intrinsic value of the books would be in effect a donation from James Smithson. They would not, indeed, be worth that as merchandise, since all could obtain them at the same price; but they would be worth infinitely more than that, as sources of practical, useful, and indispensable knowledge, and which are not likely to be provided for in any other way.

Resulting Benefits of the Plan.—Permit me now to enlarge on the benefits which would result from this safe, simple, and effective scheme, if it were carried out in its spirit and to the letter.

It will supply a Desideratum.—It would call the two serials into existence, and widely distribute them. A work of prac-

tical science, compiled with ability, executed with elegance, keeping up with the progress of discovery, adapted to popular use, neither too desultory to instruct nor too voluminous to be read, is still a great desideratum for the laboring classes. A current political history, divested of party prejudice and misrepresentation, is no less necessary for the voter and statesman. Individual enterprise is little likely to supply these wants, on terms suited to the straitened means of the millions. But if they were furnished as here proposed, their intrinsic value would make them desirable to the wealthy, and their cheapness would bring them within the reach of the poor. I am of opinion that one hundred thousand copies would be sold annually; and as the population increased, even that amount might be doubled;—I am tempted to say *quadrupled.*

Gain to the Laborer.—To the laboring classes, the volume of practical science would be valuable as a source of pecuniary gain. It would bring to their aid the lights of science, and the results of experience. It would point out new and felicitous methods of operation in the shop and the field. It would lighten the labor of the human muscle, while it gave healthful occupation to the intellect. It would show them what others have done, and provoke them to noble emulation. It would suggest expedients to meet emergencies; and remedies for a thousand evils. It would wake indolence from its sleep, and turn industry into new channels. It would, in short, increase and diffuse practical knowledge, and thus help the toiling man in numberless ways; and it would be his own fault if he did not reap from each annual dollar the harvest of "thirty, sixty, or an hundred fold."

Mental Improvement.—These volumes would serve a higher purpose than to increase wealth, and improve the mind as well as the condition. On two great branches of knowledge, they would contain all that the masses have the leisure to learn. The late act of Congress proposes to increase and diffuse knowledge among men by establishing a museum, laboratory, library, and gallery of art, in the city of Washington. *The present plan proposes to put the museum, laboratory, library, and gallery of art, into one of these serials, and send them broadcast through the country, and lay them upon the tables of a million of families.* More useful by the cottage fireside than a lecturer from the university, they would discourse daily to its inmates of things useful and pleasing, without taxing their hospitality. They would be pored

over by the bright eyes of childhood, and the dim vision of age. They would furnish delightful occupation for the hours of leisure; turn aside the temptation which wounds the idle; give expansion to ideas narrowed by ignorance; cultivate a taste for solid reading, and make many a winter evening more charming than a morning of spring.

Development of Talent and Genius.—Their effect upon the future destinies of many young persons would be most salutary. Many are born with high capabilities whom neglect and ignorance doom to obscurity, perchance to ruin. These volumes would find their way into the hands of thousands of these neglected ones, kindle in them the latent fires of genius, and call into action the faculties of a future race of Franklins, Fultons, Whitneys, and Wests. Napoleon owed his success mainly to his rare discernment of qualities, and his tact in putting every faculty of the millions to its appropriate use. Nations too, become great by applying the talisman of education to individual character; throwing down the barriers of inferior caste; and stirring in the bosoms of the young the instinct which will guide them to the paths for which nature has fitted them. One of these volumes, well read, would impart more real knowledge and mental vigor, than all the novels in the language. Many a peasant boy will begin by spelling out in solitude the pages of these volumes, and will distance the college dunce in the end.

Increase of General Intelligence and Wealth.—The benefits which would accrue to the country, would admit of no human estimate. To increase the intelligence of a people is to promote social virtue and happiness. To enlighten private industry, is to augment public wealth. To call out the latent talents of all ranks, is to develop the true sources of a nation's glory. Such effects would, to some extent, follow from the adoption of this plan. Education among the masses, for the most part, ceases with the years of childhood; but these perpetual serials would furnish the means of a *continued adult education;* the only means which can be made to reach the millions—the only education their labors will admit. While educating the man, they would mend his fortune, and put bread upon his board. They would lead to the exploration of new mines of wealth—enriching the country by enriching the citizen. They would add millions to the common wealth by improvements in agriculture, millions by the introduction of new staples, millions by extending and perfecting our manufactures, and that

which is better than millions, by cultivating the national taste and conducing to the advancement of the *fine arts*.

Preservation of our Free Institutions.—Another benefit would touch the vital interests of the country—the very existence of its free institutions. If practical science would enrich it, sound political knowledge would tend to the preservation of its liberties. That political volume, destined to be read by the masses, like the book of judgment to the evil-doer, would have terrors for the faithless ruler. Let it pay its annual visit to the work-shop and farm-house, and in the process of a few years it would confer upon the honest labor no slight pretensions to statesmanship. It would put an end to the reign of party despotism. It would cripple the power of a mendacious press to mislead and deceive the people. It would render the demagogue as impotent as he is base. It would bring honest patriots to a substantial agreement; and the great and the good would again sit in the seats of power. We might, by God's help, even retrace our steps from the fathomless gulf of foreign dictation, mob violence, Jacobinic misrule, and the ultimate despotism, upon which we are now advancing.

On the whole, we may affirm, I think, that the publication of these two serials would accomplish the object of Mr. Smithson. Instead of packing away five hundred thousand volumes in Washington city, in twenty-five years, *it would put ten times that number of volumes into the hands of the people themselves.** They would be "read, marked, learned, and inwardly digested." They would immediately and beneficially affect the character and interests of the citizen, and the safety of the country. They would be beautiful monuments to the memory of the philanthropist, whose honored name should stand upon every title-page, seen and read of all men. This spring of benefits to mankind would not dry up while the Government remained true to its trust, but flow on, widening from age to age; and many a great and prosperous family in future times would be able most truly to affirm that God and James Smithson had made them so.

Answer to Objections.—There are few things so good that men may not find objections to them; and the best projects fare as ill in this respect as the worst. Objections will be started to the present plan. Let us imagine what they may be, and ascertain their solidity.

Since the funds are provided without drawing upon the Treasury, the objection will not probably be pressed any farther that legislation in the premises is unconstitutional.

If it were otherwise this pretence would prevail. We should ask in vain for $30,000 out of $30,000,000 of our own treasury. Paltry politicians would cant about economy. Demagogues would demand credit for the vigilance with which they guarded the Treasury from all but peculators. Patriotic statesmen would stand ready to defend the Constitution with their heart's best blood from the horrible violation of doing good. Fortunately all this is estopped. The Government has accepted the trust; and it is too late to urge that it is unconstitutional to fulfill its engagements.

Fund Not Insufficient.—It may be thought that the income would be insufficient. By no means, if we may have the whole. $700,000, yielding an income of $42,000, would allow, in round numbers: for the Editorial Bureau, $10,000; for stereotyping and engraving, $25,000; and for contingencies—expenses of Regents, books, correspondence, light and fire, etc., $7,000. This is enough for the present. A portion of this formidable amount would go to American scholars, a portion to American artists, and a portion to American mechanics—all would go to reward talent and learning, labor and skill; and sad to say, nothing to the political parasite. This evil must be patiently endured. When useful things are to be done, useful men must be employed—as to the rest, they must content themselves with the millions of the Treasury. Forty thousand dollars per annum is a mere bagatelle in the mass of party spoils; but it is a very great deal to be expended in good faith for the benefit of the people. Let it be appropriated in the way here indicated, and it will do us more good—more, a great deal, than we now derive from all the national revenues. This fund is most sacredly ours. Let not our rulers covet it—let them extort no black-mail—nor fritter away the funds upon useless projects and hungry politicians. Let the funds be charged simply with the erection of a small plain building requiring no heavy expenditures for repairs and attendance, with the salaries of the officers constituting the editorial bureau, the production of the plates, and the necessary contingencies—let this course be honestly pursued, and I repeat the averment, *the Smithsonian Institution will do the country more good than all the millions of the Treasury.*

Government to do Nothing but to Organize It, and then Let It Alone.—It may be thought that this would make the Government a kind of *publishing house.* It is that now, and expends much money in publications which never reach the

people. In this case the Government would have nothing to do but to organize our Board of Regents, and pay our money when it falls due. For all practical purposes we wish the Smithsonian Institution to be as far beyond its reach as the remotest star. Here is a fund consecrated to the diffusion of knowledge—a purpose which can be accomplished only by the agency of the press. The Government has accepted the trust, and we wish them to discharge it by organizing a competent and trust-worthy corporation to employ that agent in our service. More we wish it not to do—less it cannot do in good faith. Let not our rulers think scorn of so humble an expedient as the sending forth of two annual volumes, to teach us how to take care of ourselves and of our country—how to labor with advantage, and how to vote with discretion. It shall cost their honors little trouble and no expense; but the two volumes shall do the nation more good than the two houses of Congress. Our rulers themselves shall have their portion of benefit; these volumes shall show them the right, and make them afraid to do wrong. And when they come down from their high places, they shall share in common with us the blessings they will have bestowed upon their country.

In this way Sales may be Indefinitely Extended.—Will it be thought better that the publications of the Institute should be sent out as gratuities? It would cost millions to do any thing to the purpose in this way. The books would become the perquisites of officials, and would be distributed by favoritism. But in the method here proposed, the publication might be extended to the utmost limit of the demand, without additional charge to the institution, and without complicating the machinery. The fund would merely edit, stereotype, and engrave; here its responsibility would end. The publisher would print and sell for his minimum profit, and manage his own machinery with the astuteness of interest. All who were willing to pay one-third of their value could have the books. I have supposed the sets to be worth $8—to sell for $3—and the number of sets annually sold to be 100,000. To this operation the fund would contribute $42,000; the purchasers $300,000. The excess of actual value over the cost, amounting to $500,000, would be in effect an annual donation from the generous foreigner to the American people. The annual increase of bibliothecal wealth in the country would be $800,000. Here would be a creative power constantly employed in putting knowledge into men's heads and skill into their fingers, fertilizing

their farms, enlarging their work-shops, putting money into their purse, educating their children, multiplying their domestic comforts, and thus increasing the national wealth by countless millions.

This Plan of Publication applicable to other State Documents.—Here I beg leave to suggest that this plan of publication might be adopted, to some extent, by the National and State governments, at a great saving to their respective treasuries, and with vast advantage to the people. The "Natural History of New York," a work which reflects honor upon the country, might have been published in this way at one-half the expense to the State, at no more expense to the purchaser, and twenty copies for one might have gone into the hands of the people. Congressional and State laws of general interest should be simply stereotyped at the expense of the treasuries; they could then be published at a small advance on the material and labor, and come within the reach of all who desired them.

The Present Plan Not too Late.—Finally it may be objected that this plan comes too late; as the General Government has settled its mode of action, and appropriated the fund. But the plan adopted is not beyond the reach of amendment. If Congress be not too wise to err, it should not be too dignified to mend. It has doubtless been their honest and earnest purpose to discharge their trust in good faith. If the present plan be worthy of adoption, it is competent for that honorable body to adopt it, restore the Smithsonian fund to the people, and charge the treasury with the expense of their own folly, if that folly must of necessity be persisted in. This sacred fund belongs to the people, and their wishes as well as their interest should be consulted in the disposal of it. We have a right to say to our rulers, hands off! in the name of justice! Waste, if you will, the revenues! Spend fifty millions to war upon fifty Indians! Invade Mexico! Put your sub-treasuries into your pockets, or cast them into the sea! Do what else you will; but do not waste this trust fund in prodigal expenditures for a sumptuous building, a library, museum, and gallery of art, which not one in ten thousand of us shall ever behold. Do not fritter it away upon troops of gentlemen whose services we do not want, and ten thousand objects of expense which amount to nothing in the end. This fund is ours—its object is sacred—let it be so applied that its benefits may reach us.

Gentlemen of the American Institute, public instruction

is one of the most important duties of a wise and paternal government. To teach religion is the business of the church. The lower and the higher branches of science may be safely confided to the schools. But to enlighten our industry, to instruct us how to establish and defend our liberties, to continue the education of manhood, in all ranks of the community, is the business of Government. The press is the instrument ordained of God for these purposes. Directed by private interest it caters for a morbid intellectual appetite—floods the land with putrid waters—and buries useful knowledge under infinite accumulations of rubbish. We wish to put a press under the control of men in whom there is the spirit of excellent wisdom, that they may teach us. We are told that it would be unlawful to take money from our national treasury for this purpose. Lawful or unlawful, it cannot be had there. But by the favor of God, and James Smithson, a little fund has been provided for the diffusion of knowledge among men, which, by accumulation, now amounts to $757,298. It is about to be alienated from its holy purpose, or applied in a way which, keeping the promise to the ear, breaks it to the hope.

I propose that the people shall reclaim their money, and demand that it should be expended in the support of a bureau of national instruction, which shall speak to us in two annual volumes of industrial and political science. The plan is simple, feasible, efficient. It opens no flood-gates of expenditure, and leaves little room for contingencies. It puts the machinery of the Smithsonian Institution under the control of the incorruptible sages of our country. It offers reward to useful talent, but furnishes no sinecures for idleness. It would effect the object of Mr. Smithson, redeem the faith of the nation, and accomplish the wish of philanthropy, "*by the increase and diffusion of knowledge among men.*" These two volumes would do more for human happiness than "all the abundance cast into the Treasury." Like the mustard in the parable, they are small seeds, but let them take root, and they would send out "boughs to the sea, and branches to the rivers,"—"their leaves would be fair, and their fruit much."

Gentlemen, is it your pleasure that this should be done? Let, then, the plan which I have suggested go to the country with your imprimatur. Truth is mighty—who knoweth but that it may prevail?

REPORT OF THE ORGANIZATION COMMITTEE OF THE SMITHSONIAN INSTITUTION;

With the Resolutions accompanying the same, and adopted by the Board of Regents.

RESOLUTIONS APPOINTING A COMMITTEE ON ORGANIZATION AND REGARDING THE PRINTING AND DISPOSAL OF THEIR REPORT.

The following resolutions were adopted by the Board of Regents:

On the 8th of September, 1846, it was

Resolved, That a committee of three be appointed by the Chancellor from the members of the Board, to digest a plan to carry out the provisions of the act to establish the Smithsonian Institution, and that they report the same to the next meeting of the Board.

Whereupon, the Chancellor appointed Mr. Owen, Mr. Hilliard, and Mr. Bache, said committee.

And on the 9th of September, 1846, it was further

Resolved, That Mr. Choate and Mr. Pennybacker be added to the committee appointed yesterday to digest a plan to carry out the provisions of the act establishing the Smithsonian Institution.

On the 1st of December, 1846, the Chairman of the Committee on Organization reported; and, on the 21st of December, the report, on motion of the chairman, was recommitted to the committee. On the 25th of January, 1847, the report as here presented, was made, and certain resolutions therewith submitted; and the whole series of resolutions recommended by the Committee, and herein appended to the report, were finally adopted by the Board. They comprise the outline of an entire plan of organization, to carry out the provisions of the act establishing the Smithsonian Institution.

And it was further

Resolved, That, of this report, in such form as it may be ultimately adopted, five thousand copies be printed, under the direction of the Secretary; and that he be required to transmit a copy of the same to each of the principal scientific and literary societies, both in this and in other countries; and also to such individuals of scientific or literary reputation as he may judge likely to find interest in the proceedings of the institution.

Resolved, That ten copies of the report accompanying these resolutions be furnished each member of the Senate and House of Representatives, and that each member be respectfully requested to transmit these to newspapers and to individuals, in his district or elsewhere, who may be likely to take interest in the proceedings of the institution.

REPORT OF COMMITTEE OF THE BOARD OF REGENTS ON PLAN OF ORGANIZATION.

"For the increase and diffusion of knowledge among men" were the words of Smithson's will—words used by a

man accustomed to the strict nomenclature of exact science. They inform us, that a plan of organization, to carry into effect the intention of the testator, must embrace two objects; one, the calling forth of new knowledge by original research; and the other, the dissemination of knowledge already in existence.

Smithson's words, liberal and comprehensive, exclude no branch of human knowledge; nor is there any restrictive clause in the charter under which we act. That charter indicates a few items, chiefly relating to one of the above objects, and leaves the rest of the plan, under the general provision of the bequest, to the discretion of the Board.

First. It sets forth, as one of the objects of the institution, a library that shall contain valuable works in all departments of human knowledge.

Second. It requires that there be provided in the buildings of the institution a hall or halls suitable for a museum capable of containing, on a liberal scale, collections of natural history, including geology and mineralogy, and objects of foreign and curious research; the large collection now in the Patent Office being transferred to the institution.

Third. It requires that there be included in said building a chemical laboratory.

Fourth. The building is to contain, also, "the necessary lecture rooms." And,

Fifth. A gallery of art.

These items, with the exception perhaps of the laboratory, relate to the diffusion of knowledge only. They render necessary an annual appropriation to collect and support a library; another to maintain a museum; and indicate an intention, that a portion of the annual interest should be applied to the advancement of physical science and the arts, in part by lectures.

But, after enumerating these items, the framers of the charter added a clause of plenary powers, authorizing the Board, as to all funds not required for the above special purposes, to make of them "such disposal as they shall deem best suited for the promotion of the purpose of the testator."

In obedience to the requirements of the charter, which leaves little discretion in regard to the extent of accomodations to be provided, your committee recommend, that there be included in the building a museum of liberal size, fitted up to receive the collections destined for the institution; and that library room sufficient for a hundred thousand volumes be provided. They further recommend, that the lecture rooms required by the act shall not exceed two in

number, of which one of small size should adjoin the laboratory, and another might be large enough to receive an audience of a thousand persons.*

As important as the cabinets of natural history, by the charter required to be included in the museum, your committee regard its ethnological portion, including all collections that may supply items in the physical history of our species, and illustrate the manners, customs, religions, and progressive advance of the various nations of the world: as for example, collections of skulls, skeletons, portraits, dresses, implements, weapons, idols, antiquities, of the various races of man.

In the accumulation of these collections, the institution has at command great facilities. The collections of the exploring expedition, which already belong to its museum, furnish an ample commencement, especially as regards Polynesia. Through the Commissioner of Indian Affairs and the various agencies under his control, the North American race can be reached; and, at small expense, the collection of Indian curiosities already begun at the Patent Office may be rapidly extended. So, through our army and navy officers, and our consuls in foreign nations, European and South American collections (the latter so recently enriched by modern discovery) might be gradually brought together.

In this connection your committee recommend the passage of resolutions, asking the co-operation of certain public functionaries, and of the public generally, in furtherance of the above objects.

Your committee are further of the opinion that, in the museum, if the funds of the institution permit, might judiciously be included various series of models illustrating the progress of some of the most useful inventions; such, for example, as the steam engine, from its earliest and rudest form to its present improved state; but this they propose only so far as it may not encroach on ground already covered by the numerous models in the Patent Office.

Specimens of staple materials, of their gradual manu-

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* The plan of building adopted by the Board, out of thirteen different designs submitted to them by various architects, is that of Mr. James Renwick, Jr., of New York. It comprises a museum 200 feet by 50; a library 90 feet by 50; a gallery of art 125 feet long; two lecture rooms, of which one is capable of containing an audience of 800 to 1000 persons; and the other is connected with the laboratory, together with several smaller rooms. The style selected is the later Norman, or rather Lombard, as it prevailed in the twelfth century chiefly in Germany, Normandy, and in Southern Europe, immediately preceding the introduction of the Gothic.

facture, and of the finished products of manufactures and the arts, may also, your committee think, be usefully introduced. This would supply opportunity to examine samples of the best manufactured articles our country affords, and to judge her gradual progress in arts and manufactures.

As chemistry was the favorite study of Smithson's life, of which a considerable portion was spent in his own laboratory, and as it is, without doubt, one of the most comprehensive and important of the natural sciences, your committee recommend that this department be fitted up in as complete a manner as modern science can suggest. And for the purpose of encouraging in the young men of our country original research in the same branch of science in which Smithson himself successfully labored, and inasmuch as many are now compelled, in order to complete their studies as practical chemists, to resort to Paris or Germany, your committee further recommend that there be included in the building a working laboratory, somewhat, perhaps, after the model of that instituted by one of the ablest of German chemists, the celebrated Liebig; to be opened under proper regulations and supervision, without charge, to those who may desire to institute experiments and prosecute researches for themselves in that science.

The gallery of art, your committee think, should include both paintings and sculpture, as well as engravings and architectural designs; and it is desirable to have, in connection with it, one or more studios, in which young artists might copy without interruption, being admitted under such regulations as the board may prescribe. Your committee also think, that as the collection of paintings and sculpture will probably accumulate slowly, the room destined for a gallery of art might properly and usefully meanwhile be occupied, during the sessions of Congress, as an exhibition room for the works of artists generally; and the extent and general usefulness of such an exhibition might probably be increased, if an arrangement could be effected with the Academy of Design, the Arts-Union, the Artists' Fund Society, and other associations of similar character, so as to concentrate at the metropolis, for a certain portion of each winter, the best results of talent in the fine arts.

The charter provides that the Secretary of the institution may, with the consent of the board, employ assistants; and the items above enumerated touching a library, museum, and laboratory, seem to demand, at the proper time, the appointment of not less than three such assistants: one as librarian, one as curator of the museum, and one as chemist.

After a careful review of the means of the institution, and the annual demands upon it necessitated by the objects specially required in the charter, your committee are not prepared, with the present endowment only at command, to recommend a greater extension than these named of permanent offices requiring scientific or literary qualifications. And they think that the appointments of curator and chemist may be postponed until the time, or nearly the time, when the building is likely to be completed.

In these various recommendations, your committee have been guided chiefly by the words and specific recommendations of the charter. They are of opinion, however, that the task assigned them would be ill performed if they stopped short here, and neglected to avail themselves of the authority, liberally, and wisely your committee think, conferred upon the Board, after providing for the above special objects to such extent as they may consider necessary and proper, to dispose of the remaining funds, annually accruing, in such manner as "they shall deem best suited for the promotion of the purpose of the testator."

"Increase and diffusion of knowledge," your committee beg leave to repeat, was that purpose.

How can knowledge be increased?

By original research throughout its various fields; yielding, when successfully prosecuted, positive additions to the sum of what had theretofore been known.

For this, there is no provision in the items specifically enumerated in the bill and above provided for, except, it may be, in the chemical department, where the chemist, or others engaging in experiment and investigation, may furnish actual contributions to the science of chemistry.

But how may original researches generally be encouraged and called forth?

First, by premiums, your committee think, annually offered for original papers on such subjects as may be selected; it being a strict condition, that each paper accepted and obtaining a premium, shall contain a specific addition to the sum of human knowledge, resting upon original investigations, and not mere unverified hypotheses. The accepted paper may be published in the successive numbers of transactions, which may be entitled "Smithsonian Contributions to Knowledge." and which your committee recommend to be issued periodically or occasionally, as materials present themselves. The names of the competitors for premiums should, in all cases, remain unknown until the award is made.

A liberal price might also be paid for other papers that may be considered worthy of a place in the Transactions.

Again, as an additional means of promoting increase of knowledge, special appropriations may occasionally be made to institute definite lines of research under the direction of competent persons; after the manner, perhaps, of the British Association. Such appropriations, however, your committee think, should be made with great care; for important objects only, and where there is fair promise of speedy result; and it might be advisable, as an additional guarantee, that in deciding the kind of research and the amount of money to be appropriated, the board avail itself of the suggestions of a council of scientific men.

In the prosecution of researches undertaken at the instance of the Institution, and requiring the aid of valuable apparatus, the use of that belonging to the institution, might under proper regulations, be granted.

This stimulating and cherishing of research in unexplored fields seems to your committee the more necessary and proper in a country like ours, where but few have at command that easy leisure, common in older countries, and there permitting the prosecution of researches through years, or a lifetime, without expectation or necessity of pecuniary return.

Your committee are aware that the researches here recommended, no matter how intrinsically important, demanded as they are, too, by the wording of the bequest which endowed our institution, will be likely, in their inception and first publication, to interest a comparatively small circle only. The Transactions of the Institution can be expected to obtain but a limited circulation. Not that the discoveries there to be presented are of little intrinsic importance, and bear no practical fruit; the reverse is true. Some may be immediately productive; others will include investigations, unproductive in themselves for the time, yet the necessary preliminaries to the actual discovery of modes and forms that become in every day life, productive and profitable; for invention is but the practical application of scientific results. But the severe investigations in physics which ultimately resulted in the steam engine and the magnetic telegraph, inventions that are now revolutionizing the world, attracted in their original form the attention only of the strictly scientific. To reach the people generally, other and further means must be employed. And this brings your committee to speak of the testator's second object—

The *diffusion* of knowledge among men.

In connection with this branch of Mr. Smithson's purpose, your committee are reminded of the wide-spread and beneficent influence, reaching to the remotest hamlet and the humblest hearth, exerted, not in England alone, but in other and distant countries, by the British "Society for the Diffusion of Useful Knowledge," its Scientific Tracts, and its Penny Magazine.

This example indicates the most effectual mode of reaching the popular mind of the world. Influenced by the results of such experience, your committee recommend the issuing, to such extent as the funds of the institution permit, of publications, in brief and popular form, on subjects of general interest. They advise, also, that courses of free lectures be delivered during the session of Congress, in the lecture rooms of the institution, by its officers, or by able men in the different branches of knowledge, who should be invited for the purpose, and paid out of the funds of the institution. It should also, your committee think, be made the duty of the Secretary and his assistants to exhibit, in these lecture rooms, at stated periods, experimental illustrations of new discoveries in science, and interesting and important inventions in the arts.

And, if now or hereafter the funds of the institution permit, they think it desirable that such lectures should not be restricted to Washington, but should be given by lecturers selected by the institution, throughout the United States.

The difficulty, in this latter recommendation, is the great expense that must be incurred to procure the delivery of such lectures by men of suitable ability, throughout every section of the Union, without preference or omission.

Though neither the bequest nor the charter restrict the subjects that may be treated in publication and lecture, yet, as the funds of the institution are limited, and some selection from the vast range of human subjects of inquiry must be made, your committee recommend, that, in the first place, the efforts of the institution be chiefly directed to the diffusion of knowledge in the physical sciences, in the useful arts, and in the theory and practice of public education. They suggest, that the lectures and popular publications of the institution may usefully treat, of agriculture and its latest improvements; of the productive arts of life; of the sciences, and the aid they bring to labor; of common-school instruction, including the proper construction of school rooms, the most improved apparatus for teaching, and the most judicious management, moral and intellectual, of children in common schools. They might also, if suit-

able talent can be enlisted, treat of history, natural and civil, including the physical history of the various races of men, and the gradual advance of each to its present state of civilization; of political economy in its practical connection with the every day business of life; and, generally, touch upon any department of useful knowledge not strictly professional.

By such means, we may reasonably expect gradually to stir up a love of science among those in whose minds, for lack of an awakening word, it now lies dormant; and by directing the attention of the people generally to the rich sources of knowledge that everywhere exist around them and beneath their feet, by degrees to substitute, for the deleterious excitements sought in haunts of dissipation, the healthful and humanizing interest to be found in scientific research. The inestimable importance of common-school education, and the practical means of increasing and improving it, might thus also be pressed home upon those whose children have often no other means of instruction or improvement.

As an additional means of diffusing knowledge, your committee suggest the publication of a series of reports, to be published annually or oftener, containing a concise record of progress in the different branches of knowledge, compiled from the journals of all languages and the transactions of scientific and learned societies throughout the world. The matter of these reports may be furnished by collaborators eminent in their respective branches; and these should be supplied with all the works necessary to a proper execution of their task, and paid in proportion to their respective labors. Copies of these Smithsonian reports may be furnished to the principal libraries and scientific societies of the country free of expense, and sold to individuals at a small price.

Your committee beg leave here to remark, that with the limited annual income of the institution, charged as it is with extensive collections, to maintain which will prove a considerable yearly drain on its funds, they do not imagine or propose that all the recommendations here set down should be carried out, at least simultaneously. These are put forward as objects which your committee consider desirable and strictly within the purpose of the bequest. Such as may seem to the board the most important may be first attempted. Other portions of the plan may follow in their turn. And experience will gradually sift out whatever is most judicious and effective.

Your committee are of opinion, that it does not come properly within the scope of our institution to impart professional education; and therefore they recommend no school of any of the learned professions, nor any professorships of ancient languages, or others of similar character. It is not, however, their purpose to exclude lectures of a general character on subjects connected with any of these professions, but only to shut out those courses of lectures which treat of them in professional detail. The studies referred to are already provided for in numerous institutions throughout the United States; and it has been the endeavor of your committee, not only in this instance, but throughout the entire plan here submitted, to occupy, so far as may be, ground hitherto untenanted, and rather to step in where it comes not within the province of other institutions, learned or literary, to extend their efforts, than to compete with them in fields of labor peculiarly their own.

The party politics of the day, on which men differ so widely and so warmly, should not, your committee think, enter among the subjects treated of in any lecture or publication put forth under the sanction of the institution. And they would deeply regret to see party tests and party wranglings obtrude themselves on the neutral ground of science and education; jeoparding, as such intrusion surely would, the tranquillity of the institution, disturbing the even tenor of its action, perhaps assaulting its welfare, certainly contracting the sphere of its usefulness.

Your committee think it important that the institution, at the time it is first opened, should have already in its library a collection of such valuable works of reference, as, in the prosecution of its plan, may be required. In order to attain that object, your committee recommend, that, for the present, twenty thousand dollars be set aside for the purchase of books and fitting up of the library.

An additional reason which has induced your committee to recommend, out of the accrued interest, so large an appropriation at the outset, is, that large annual appropriations from the accruing interest, after the institution is under way, are thereby rendered the less necessary.

In proposing that, in the building about to be erected, there should be provided library room sufficient to receive a hundred thousand volumes, your committee yielded rather to what seemed a fair concession to the spirit of the eighth section of our charter, than to their own deliberate conviction that a library of more than half that size could, with

the present means of our institution, advantageously be purchased.

But, without a vast accumulation of books in this metropolis, your committee conceive, that the Librarian of the Smithsonian Institution may, under a proper system, become a centre of literary and bibliographical reference for our entire country. Your committee recommend, that the librarian be instructed to procure catalogues, written or printed, of all important public libraries in the United States, and also, in proportion as they can be obtained, printed catalogues of the principal libraries in Europe, and the more important works on bibliography. With these beside him, he may be consulted by the scholar, the student, the author, the historian, from every section of the Union, and will be prepared to inform them whether any works they may desire to examine are to be found in the United States, and, if so, in what library; or, if in Europe only, in what country of Europe they must be sought.

Informed by these catalogues, it will be easy, and your committee think desirable, for those who may be charged with the selection of books, to make the Smithsonian Library chiefly a supplemental one; to purchase, for the most part, valuable works, which are not to be found elsewhere in the Union; thus carrying out the principle to which your committee has already alluded as influencing all their recommendations, that it is expedient, as far as may be, to occupy untenanted ground.

Exceptions to this rule must here, of course, be made; as in the case of standard works of reference required for the immediate purposes of the institution, and also of the very numerous works, many of current science, which, by a proper system of exchanges, we may procure without purchase. In this latter connection, the Transactions and Reports of the institution will obtain for us valuable returns.

In following out this mode of collecting a library for the institution, whenever a particular class of works of importance is found to be specially deficient in the libraries of our country, the vacancy may be filled. The Librarian might also procure, by entering into correspondence with the librarians of other countries, any special extracts or items of information required by students.

Your committee consider it inexpedient to commence the regular purchase of books, until about a year before the time when the building is prepared to receive them. Meanwhile, lists and catalogues should be procured.

For the procurement of chemical and philosophical apparatus, models, &c., your committee recommend, for the present, an appropriation of four thousand dollars. If the funds permit, four thousand dollars more, your committee think, might profitably be appropriated for this object before the opening of the institution.

Before concluding their report, your committee desire to add a few words touching the duty and qualifications of one of the officers of the institution.

Inasmuch as the Chancellor of the Smithsonian Institution, being a regent, can receive no salary for his services, it results, almost necessarily, that the Secretary should become its chief executive officer. The charter seems to have intended that he should occupy a very responsible position; granting, as it does, to the Secretary, in conjunction with the Chancellor, the power to determine the necessity, and the amount, of appropriations made for the purposes of the institution.

The office of Secretary must, in the opinion of your committee, be regarded, not as one to be filled by any man capable to act as recording clerk, or to receive, with politeness, the visitors of the institution, or to reply, with mechanical propriety, to its correspondents; but as an office on the due administration of which the executive efficiency of our institution at home and its reputation abroad, mainly depend; an office, then, demanding, in its incumbent, weight of character and a high grade of talent.

To secure such stamp of talent as your committee consider essential in a Secretary of the Smithsonian Institution, it may be necessary to attach to the office a considerable salary. The best talent, in any country, ever commands a high remuneration; and though money cannot always command talent, it is, as a general rule, one of the elements necessary to obtain it. Inadequate character and qualifications are not worth purchasing, at any rate, no matter how low. The money spent to procure them is utterly cast away.

Your committee think it would be an advantage if a competent Secretary could be found, combining also the qualifications of a professor of the highest standing in some branch of science. If to these be added efficiency as an executive officer and a knowledge of the world, we may hope to see filling this distinguished post a man, who, when brought into communication with distinguished men and societies in this and other countries, shall be capable, as representative of the Smithsonian Institution, to reflect

honor on the office, not requiring to borrow distinction from it.

Your committee will not withhold their opinion, that upon the choice of this single officer, more probably than on any one other act of the board, will depend the future good name and success and usefulness of the Smithsonian Institution.

A similar view, your committee believe, has been taken of this matter by the principal scientific societies throughout the world. Newton disdained not to answer, at much length, the friendly and able criticisms on some of his theories addressed to him by Oldenburg, first Secretary of the London Royal Society; and the name of Arago, Secretary of the Academy of Sciences, of Paris, is known and honored wherever science extends her sway.

All which is respectfully submitted,

ROBERT DALE OWEN,
Chairman.

The following resolutions, appended to the report of the committee and recommended for adoption, were, after debate, passed by the board:

Resolved, That it is expedient, and demanded by the will of the testator, that, in our plan of organization, the increase of knowledge by original research should form an essential feature; that, in furtherance of this object, premiums be offered at such times and to such amounts as the board may hereafter decide, for original papers, containing positive additions to the sum of human knowledge; and that these, together with other suitable papers, be published in Transactions of the institution, to be entitled "Smithsonian Contributions to Knowledge," and to be issued periodically or occasionally, in quarto form, as materials may be obtained.

Resolved, That it is within the strict purpose of the trust, and may materially advance its legitimate objects, occasionally to make specific appropriations for definite lines of research, the results to be published as above.

Resolved, That, with a view to the diffusion of knowledge, there may properly be included in the plan of organization the issuing of publications, in brief and popular form, on subjects of general interest.

Resolved, That, with a similar object, there may also properly be included in the plan of organization the issuing of periodical reports, containing records of the progress of knowledge in its different branches.

Resolved, That there may also properly be included in the plan free lectures, to be delivered by competent persons, on useful subjects; and that it may advantageously be made a part of the duty of the Secretary and his assistants, to give, in the lecture rooms of the institution, at stated periods, illustrations of discoveries in science, and important inventions in the arts.

Besides the above resolutions, originally reported by the Committee on Organization, the following additional resolutions, submitted by a member of the Committee on Organization, as a compromise between two great conflicting opinions, were adopted by the committee, and passed by the board:

Resolved, That it is the intention of the act of Congress establishing the institution, and in accordance with the design of Mr. Smithson, as expressed in his will, that one of the principal modes of executing the act and the trust, is the accumulation of collections of specimens and objects of natural history and of elegant art, and the gradual formation of a library of valuable works pertaining to all departments of human knowledge, to the end that a copious storehouse of materials of science, literature, and art, may be provided, which shall excite and diffuse the love of learning among men, and shall assist the original investigations and efforts of those who may devote themselves to the pursuit of any branch of knowledge.

Resolved, That, for the purpose of carrying into effect the two principal modes of executing the act and trust pointed out in the resolutions herewith submitted, the permanent appropriations out of the accruing interest shall, so soon as the buildings are completed, be annually as follows, that is to say:

First. For the formation of a library composed of valuable works pertaining to all departments of useful knowledge, and for the procuring, arranging, and preserving of the various collections of the institution, as well of natural history and objects of foreign and curious research and of elegant art, as others, including salaries and all other general expenses connected with the same, excepting those of the first complete arrangement of all such collections and objects as now belong to the United States, in the museum of the institution, when completed, together with one-half of the salary of the Secretary, the sum of fifteen thousand dollars.

Secondly. For the preparation and publication of transactions, reports, and all other publications of the institution, including appropriations for original researches, and premiums for original papers; for the delivery of all lectures and payment of all lecturers; and for all general expenses connected with said lectures and publications, together with one-half of the salary of the Secretary, the remainder of the annually accruing interest:* it being understood that all general and incidental expenses not specially connected with either of the above two great divisions of the plan of the institution, shall be equally divided between them.

Resolved, That it is the opinion and intention of the board, that in the appropriation for the objects of the institution of any surplus of accrued interest which may remain after the completion of the buildings of the institution, an equal division shall be made between the two great branches; that is to say, one-half shall be appropriated to the library and museum fund, and the other half to the fund for original research, publications, and lectures; and that, in regard to all other funds hereafter to accrue to the institution, the same division be made.

In accordance with the above plan of organization, and tending to carry out its details, the following resolutions, submitted by the committee, were adopted by the board:

Resolved, That, for the present, out of the interest accruing to the institution, the sum of twenty thousand dollars be, and the same is hereby, appropriated, for the purchase of books and the gradual fitting up of a library, and all other incidental expenses relating to the library except the salaries of the librarian or librarians; the said appropriation to commence from the first of January, eighteen hundred and forty-eight.

Resolved, That the portion of the building to be for the present set apart for a library be of sufficient capacity to contain not less than one hundred thousand volumes; and that it is desirable that the plan should be such as to render an extension practicable, if hereafter desired.

Resolved, That, for the present, the sum of four thousand dollars, out of the interest accruing to the institution, be appropriated, for the purchase of

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* The annual amount appropriated by this clause is fifteen thousand nine hundred and ten dollars.

philosophical and chemical apparatus, models, &c.; the said appropriation to commence on the first day of January next.

Resolved, That the Secretaries of State, of the Treasury, of War, and of the Navy of the United States, be respectfully invited to furnish to consuls and other public officers, in this and foreign countries, under their respective departments, such suggestions as they may deem proper, in regard to the procurement, as opportunity offers, of additions to the museum of the institution, especially to its ethnological department; that three hundred copies of this report, when printed, be placed at the disposal of each of the above-named Secretaries, as an explanation to these public functionaries of the views of the institution in regard to a museum; and that five hundred dollars be, and the same is hereby, appropriated, out of the accruing interest, to pay transportation, or other expenses connected with the transmission from foreign parts to Washington, of any collections thus made. And to such contributions, when placed in the museum, the name of the officer obtaining and forwarding the same shall, in all cases, be appended.

Resolved, That the Secretary of War be respectfully invited to furnish to the Commissioner of Indian Affairs such suggestions as he may deem proper regarding the procurement, from the Indian country, of collections for the museum of the Smithsonian Institution, illustrating the natural history of the country, and, more especially, the physical history, manners, and customs of the various tribes of aborigines on the North American Continent; that one hundred copies of this report, when printed, be placed at his disposal, as a means of informing the various Indian Agents of the special character of the collections desired; and that the sums of five hundred dollars be, and the same is hereby, annually appropriated, out of the accruing interest of the Smithsonian Institution, for the procurement and transportation of such Indian collections; and, when placed in the museum, there shall be appended to each the name of the agent through whom the same may be procured.

Resolved, That the public generally be invited to furnish contributions to the museum of the Smithsonian Institution, and that all such contributions, when considered worthy of a place, shall be labelled with the name and residence of the donor.

And, previous to the election of a Secretary, the following resolution, submitted by the committee, was adopted by the board:

Resolved, That it is essential for the advancement of the proper interests of the trust, that the Secretary of the Smithsonian Institution be a man possessing weight of character and a high grade of talent; and that it is further desirable that he possess eminent scientific and general acquirements: that he be a man capable of advancing science and promoting letters by original research and effort, well qualified to act as a respected channel of communication between the institution and scientific and literary individuals and societies in this and foreign countries; and, in a word, a man worthy to represent, before the world of science and of letters, the institution over which this board presides.

PROGRAMME OF ORGANIZATION OF THE SMITHSONIAN INSTITUTION.

[Presented to the Board of Regents, December 8, 1847.]

By Professor Joseph Henry.

INTRODUCTION.

General considerations which should serve as a guide in adopting a plan of organization.

1. Will of Smithson. The property is bequeathed to the United States of America, "to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men."

2. The bequest is for the benefit of mankind. The government of the United States is merely a trustee to carry out the design of the testator.

3. The institution is not a national establishment, as is frequently supposed, but the establishment of an individual, and is to bear and perpetuate his name.

4. The objects of the institution are—1st, to increase, and 2d, to diffuse knowledge among men.

5. These two objects should not be confounded with one another. The first is to increase the existing stock of knowledge by the addition of new truths; and the second to disseminate knowledge, thus increased, among men.

6. The will makes no restriction in favor of any particular kind of knowledge; hence all branches are entitled to a share of attention.

7. Knowledge can be increased by different methods of facilitating and promoting the discovery of new truths, and can be most efficiently diffused among men by means of the press.

8. To effect the greatest amount of good, the organization should be such as to enable the institution to produce results in the way of increasing and diffusing knowledge, which cannot be produced by the existing institutions in our country.

9. The organization should also be such as can be adopted provisionally, can be easily reduced to practice, receive modifications, or be abandoned, in whole or in part, without a sacrifice of the funds.

10. In order to make up for the loss of time occasioned by the delay of eight years in establishing the institution, a considerable portion of the interest which has accrued should be added to the principal.

11. In proportion to the wide fields of knowledge to be cultivated, the funds are small. Economy should therefore be consulted in the construction of the building; and not only should the first cost of the edifice be considered, but also the continual expense of keeping it in repair, and of the support of the establishment necessarily connected with it. There should also be but few individuals permanently supported by the institution.

12. The plan and dimensions of the building should be determined by the plan of organization, and not the converse.

13. It should be recollected that mankind in general are to be benefited by the bequest, and that, therefore, all unnecessary expenditure on local objects would be a perversion of the trust.

14. Besides the foregoing considerations, deduced immediately from the will of Smithson, regard must be had to certain requirements of the act of

Congress establishing the institution. These are a library, a museum, and a gallery of art, with a building on a liberal scale to contain them.

SECTION I.

Plan of organization of the institution, in accordance with the foregoing deductions from the will of Smithson.

To INCREASE KNOWEDGE. It is proposed—

1. To stimulate men of talent to make original researches, by offering suitable rewards for memoirs containing new truths; and,

2. To appropriate annually a portion of the income for particular researches, under the direction of suitable persons.

To DIFFUSE KNOWLEDGE. It is proposed—

1. To publish a series of periodical reports on the progress of the different branches of knowledge; and,

2. To publish occasionally separate treatises on subjects of general interest.

DETAILS OF THE PLAN TO INCREASE KNOWLEDGE.

I. *By stimulating researches.*

1. Rewards, consisting of money, medals, &c., offered for original memoirs on all branches of knowledge.

2. The memoirs thus obtained to be published in a series of volumes, in a quarto form, and entitled "Smithsonian Contributions to Knowledge."

3. No memoir, on subjects of physical science, to be accepted for publication, which does not furnish a positive addition to human knowledge resting on original research; and all unverified speculations to be rejected.

4. Each memoir presented to the institution to be submitted for examination to a commission of persons of reputation for learning in the branch to which the memoir pertains, and to be accepted for publication only in case the report of this commission is favorable.

5. The commission to be chosen by the officers of the institution, and the name of the author, as far as practicable, concealed, unless a favorable decision be made.

6. The volumes of the memoirs to be exchanged for the Transactions of literary and scientific societies, and copies to be given to all the colleges and principal libraries in this country. One part of the remaining copies may be offered for sale; and the other carefully preserved, to form complete sets of the volumes, to supply the demand from new institutions.

7. An abstract, or popular account, of the contents of these memoirs to be given to the public through the annual report of the Regents to Congress.

II. *By appropriating a portion of the income, annually, to special objects of research, under the direction of suitable persons.*

1. The objects, and the amount appropriated, to be recommended by counsellors of the institution.

2. Appropriations in different years to different objects; so that in course of time, each branch of knowledge may receive a share.

3. The results obtained from these appropriations to be published, with the memoirs before mentioned, in the volumes of the Smithsonian Contributions to Knowledge.

4. Examples of objects for which appropriations may be made.

(1.) System of extended meteorological observations, for solving the problem of American storms.

(2.) Explorations in descriptive natural history, and geological, magnetical and topographical surveys, to collect materials for the formation of a Physical Atlas of the United States.

(3.) Solution of experimental problems, such as a new determination of

the weight of the earth, of the velocity of electricity and of light; chemical analyses of soils and plants; collection and publication of articles of science, accumulated in the offices of government.

(4.) Institution of statistical inquiries with reference to physical, moral, and political subjects.

(5.) Historical researches, and accurate surveys of places celebrated in American history.

(6.) Ethnological researches, particularly with reference to the different races of men in North America; also explorations and accurate surveys of the mounds and other remains of the ancient people of our country.

DETAILS OF THE PLAN FOR DIFFUSING KNOWLEDGE.

I. *By the publication of a series of reports, giving an account of the new discoveries in science, and of the changes made from year to year in all branches of knowledge not strictly professional.*

1. These reports will diffuse a kind of knowledge generally interesting, but which, at present, is inaccessible to the public. Some of the reports may be published annually, others at longer intervals, as the income of the institution, or the changes in the branches of knowledge, may indicate.
2. The reports are to be prepared by collaborators, eminent in the different branches of knowledge.
3. Each collaborator to be furnished with the journals and publications, domestic and foreign, necessary to the compilation of his report; to be paid a certain sum for his labors, and to be named on the title-page of the report.
4. The reports to be published in separate parts, so that persons interested in a particular branch can procure the parts relating to it, without purchasing the whole.
5. These reports may be presented to Congress, for partial distribution; the remaining copies to be given to literary and scientific institutions, and sold to individuals for a moderate price.

The following are some of the subjects which may be embraced in the reports.

I. PHYSICAL CLASS.

1. Physics, including astronomy, natural philosophy, chemistry, and meteorology.
2. Natural history, including botany, zoology, geology, &c.
3. Agriculture.
4. Application of science to arts.

II. MORAL AND POLITICAL CLASS.

5. Ethnology, including particular history, comparative philology, antiquities, &c.
6. Statistics and political economy.
7. Mental and moral philosophy.
8. A survey of the political events of the world; penal reform, &c.

III. LITERATURE AND THE FINE ARTS.

9. Modern literature.
10. The fine arts, and their application to the useful arts.
11. Bibliography.
12. Obituary notices of distinguished individuals.

II. *By the Publication of separate treatises on subjects of general interest.*

1. These treatises may occasionally consist of valuable memoirs, translated from foreign languages, or of articles prepared under the direction of

stitution, or procured by offering premiums for the best exposition of
n subject.

[T]he treatises should in all cases be submitted to a commission of com-
; judges previous to their publication.

As examples of these treatises, expositions may be obtained of the
it state of the several branches of knowledge mentioned in the table
orts. Also of the following subjects, suggested by the Committee on
iization, viz: the statistics of labor, the productive arts of life, public
ction, &c.

SECTION II.

*of organization, in accordance with the terms of the resolutions of the
rd of Regents, providing for the two modes of increasing and diffusing
wledge.*

The act of Congress establishing the institution contemplated the for-
n of a library and a museum; and the Board of Regents, including
objects in the plan of organization, resolved to divide the income into
ual parts.

One part to be appropriated to increase and diffuse knowledge by
of publications and researches, agreeably to the scheme before given.
ther part to be appropriated to the formation of a library and a collec-
f objects of nature and of art.

These two plans are not incompatible with one another.

To carry out the plan before described, a library will be required, con-
;, 1st, of a complete collection of the transactions and proceedings of
learned societies in the world; 2d, of the more important current
ical publications, and other works necessary in preparing the periodi-
orts.

The institution should make special collections, particularly of objects
ify its own publications.

Also a collection of instruments of research in all branches of experi-
l science.

With reference to the collection of books, other than those mentioned
catalogues of all the different libraries in the United States should be
ed, in order that the valuable books first purchased may be such as
t to be found in the United States.

Also catalogues of memoirs, and of books in foreign libraries, and
materials, should be collected for rendering the institution a centre of
graphical knowledge, whence the student may be directed to any work
he may require.

It is believed that the collections in natural history will increase by
on as rapidly as the income of the institution can make provision for
eception, and therefore it will seldom be necessary to purchase any
s of this kind.

Attempts should be made to procure for the gallery of art casts of the
elebrated articles of ancient and modern sculpture.

The arts may be encouraged by providing a room, free of expense,
exhibition of the objects of the Art-Union and other similar societies.

A small appropriation should annually be made for models of anti-
, such as those of the remains of ancient temples, &c.

For the present, or until the building is fully completed, besides the
ary, no permanent assistant will be required, except one, to act as
an.

The duty of the Secretary will be the general superintendence, with
vice of the Chancellor and other members of the establishment, of the
y and scientific operations of the institution; to give to the Regents
lly an account of all of the transactions; of the memoirs which have
eceived for publication; of the researches which have been made;
edit, with the assistance of the librarian, the publications of the
tion.

15. The duty of the Assistant Secretary, acting as librarian, will be, for the present, to assist in taking charge of the collections, to select and purchase, under the direction of the Secretary and a committee of the board, books and catalogues, and to procure the information before mentioned; to give information on plans of libraries, and to assist the Secretary in editing the publications of the institution and in the other duties of his office.

16. The Secretary and his assistants, during the session of Congress, will be required to illustrate new discoveries in science, and to exhibit new objects of art; also distinguished individuals should be invited to give lectures on subjects of general interest.

17. When the building is completed, and when, in accordance with the act of Congress, the charge of the National Museum is given to the Smithsonian Institution, other assistants will be required.

Explanation and illustration of the programme.

In accordance with my instructions, I consulted with men of eminence, in the different branches of literature and science, relative to the details of the plan of organization, and arranged the various suggestions offered, in the form of the accompanying programme. This, after having been submitted to a number of persons in whose knowledge and judgment I have confidence, is now presented to the board, with the concurrence of the Committee on Organization, for consideration and provisional adoption. I regret that my engagements have been such as to render it impossible for me to call upon many persons whose counsel would have been valuable, but I hope hereafter to avail myself of their advice in behalf of the institution. I also regret that I could not give the names of those whose suggestions have been adopted in the programme; the impossibility of rendering justice to all, has prevented my attempting this. Many of the suggestions have been offered by different persons, independently of each other; and, indeed, the general plan of the increase and diffusion of knowledge as adopted by the board, is such as would naturally arise in the mind of any person conversant with the history of physical science, and with the means usually employed for its extension and diffusion.

The introduction to the programme contains a series of propositions, suggested by a critical examination of the will of Smithson, to serve as a guide in judging of the fitness of any proposed plan for carrying out the design of the testator. The first section of the programme gives the details of the plan proposed for the increase and diffusion of knowledge by means of publication and original researches. The second section furnishes the details, so far as they can be made out at the present time, of the forma-

tion of a library, and a collection of objects of nature and art. These two plans combined, embrace the general propositions adopted by the Board of Regents at their last meeting, as the basis of future operations. It is intended in the proposed plan to harmonize the two modes of increasing and diffusing knowledge, and to give to the institution the widest influence compatible with its limited income. That all the propositions will meet with general approval cannot be expected; and that this organization is the best that could be devised is neither asserted nor believed. To produce *a priori* a plan of organization which shall be found to succeed perfectly in practice, and require no amendment, would be difficult under the most favorable circumstances, and becomes almost impossible where conflicting opinions are to be harmonized, and the definite requirements of the act establishing the institution are to be observed. It is not intended that the details of the organization, as given in the programme, should be permanently adopted without careful trial; they are rather presented as suggestions to be adopted provisionally, and to be carried into operation gradually and cautiously, with such changes, from time to time, as experience may dictate.

Though the leading propositions of the programme have been fully discussed by the board, yet it will be important to offer some remarks in explanation and illustration of them in their present connection.

That the institution is not a national establishment, in the sense in which institutions dependent on the Government for support are so, must be evident when it is recollected that the money was not absolutely given to the United States, but intrusted to it for a special object, namely: the establishment of an institution for the benefit of men, to bear the name of the donor, and, consequently, to reflect upon his memory the honor of all the good which may be accomplished by means of the bequest. The operations of the Smithsonian Institution ought, therefore, to be mingled as little as possible with those of the Government, and its funds should be applied exclusively and faithfully to the increase and diffusion of knowledge among men.

That the bequest is intended for the benefit of men in general, and that its influence ought not to be restricted to a single district, or even nation, may be inferred not only from the words of the will, but also from the character of Smithson himself; and I beg leave to quote, from a scrap of paper in his own hand, the following sentiment bearing on this point: "The man of science has no country; the

world is his country—all men, his countrymen." The origin of the funds, the bequest of a foreigner, should also preclude the adoption of a plan which does not, in the words of Mr. Adams, "spread the benefits to be derived from the institution not only over the whole surface of this Union, but throughout the civilized world." "Mr. Smithson's reason for fixing the seat of this institution at Washington obviously was, that *there* is the seat of government of the United States, and *there* the Congress by whose legislation, and the Executive through whose agency, the trust committed to the honor, intelligence, and good faith of the nation, is to be fulfilled." The centre of operations being permanently fixed at Washington, the character of this city for literature and science will be the more highly exalted in proportion as the influence of the institution is more widely diffused.

That the terms *increase* and *diffusion* of knowledge are logically distinct, and should be literally interpreted with reference to the will, must be evident when we reflect that they are used in a definite sense, and not as mere synonyms, by all who are engaged in the pursuits to which Smithson devoted his life. In England there are two classes of institutions, founded on the two ideas conveyed by these terms. The Royal Society, the Astronomical, the Geological, the Statistical, the Antiquarian Societies, all have for their object the increase of knowledge; while the London Institution, the Mechanics' Institution, the Surrey Institution, the Society for the Diffusion of Religious Knowledge, the Society for the Diffusion of Useful Knowledge, are all intended to diffuse and disseminate knowledge among men. In our own country, also, the same distinction is observed in the use of the terms by men of science. Our colleges, academies, and common schools, are recognized as institutions partially intended for the diffusion of knowledge, while the express object of some of our scientific societies is the promotion of the discovery of new truths.

The will makes no restriction in favor of any particular kind of knowledge; though propositions have been frequently made for devoting the funds exclusively to the promotion of certain branches of science having more immediate application to the practical arts of life, and the adoption of these propositions has been urged on the ground of the conformity of such objects to the pursuits of Smithson; but an examination of his writings will show that he excluded from his own studies no branch of general knowledge, and that he was fully impressed with the important philoso-

phical fact that all subjects of human thought relate to one great system of truth. To restrict, therefore, the operations of the institution to a single science or art, would do injustice to the character of the donor, as well as to the cause of general knowledge. If preference is to be given to any branches of research, it should be to the higher and apparently more abstract; to the discovery of new principles rather than of isolated facts. And this is true even in a practical point of view. Agriculture would have forever remained an empirical art, had it not been for the light shed upon it by the atomic theory of chemistry; and incomparably more is to be expected as to its future advancement from the perfection of the microscope than from improvements in the ordinary instruments of husbandry.

The plan of increasing and diffusing knowledge, presented in the first section of the programme, will be found in strict accordance with the several propositions deduced from the will of Smithson, and given in the introduction. It embraces, as a leading feature, the design of interesting the greatest number of individuals in the operations of the institution, and of spreading its influence as widely as possible. It forms an active organization, exciting all to make original researches who are gifted with the necessary power, and diffusing a kind of knowledge, now only accessible to the few, among all those who are willing to receive it. In this country, though many excel in the application of science to the practical arts of life, few devote themselves to the continued labor and patient thought necessary to the discovery and development of new truths. The principal cause of this want of attention to original research, is the want, not of proper means, but of proper encouragement. The publication of original memoirs and periodical reports, as contemplated by the programme, will act as a powerful stimulus on the latent talent of our country, by placing in bold relief the real laborers in the field of original research, while it will afford the best materials for the use of those engaged in the diffusion of knowledge.

The advantages which will accrue from the plan of publishing the volumes of the Smithsonian Contributions to Knowledge, are various. In the first place, it will serve to render the name of the founder favorably known wherever literature and science are cultivated, and to keep it in continual remembrance with each succeeding volume, as long as knowledge is valued. A single new truth, first given to the world through these volumes, will forever stamp their character as a work of reference. The

contributions will thus form the most befitting monument to perpetuate the name of one whose life was devoted to the increase of knowledge, and whose ruling passion, strong in death, prompted the noble bequest intended to facilitate the labors of others in the same pursuit.

Again, the publication of a series of volumes of original memoirs will afford to the institution the most ready means of entering into friendly relations and correspondence with all the learned societies in the world, and of enriching its library with their current transactions and proceedings. But perhaps the most important effect of the plan will be that of giving to the world many valuable memoirs, which, on account of the expense of the illustrations, could not be otherwise published. Every one who adds new and important truths to the existing stock of knowledge must be, of necessity, to a certain degree, in advance of his age. Hence the number of readers and purchasers of a work is generally in the inverse ratio of its intrinsic value; and consequently, authors of the highest rank of merit are frequently deterred from giving their productions to the world on account of the pecuniary loss to which the publication would subject them. When our lamented countryman, Bowditch, contemplated publishing his Commentary on La Place, he assembled his family and informed them that the execution of this design would sacrifice one-third of his fortune, and that it was proper his heirs should be consulted on a subject which so nearly concerned them. The answer was worthy the children of such a father: "We value," said they, "your reputation more than your money." Fortunately, in this instance, the means of making such a sacrifice existed; otherwise one of the proudest monuments of American science could not have been given to the world. In the majority of cases, however, those who are most capable of extending human knowledge are least able to incur the expense of the publication. Wilson, the American ornithologist, states, in a letter to Michaux, that he has sacrificed everything to publish his work: "I have issued," he says, "six volumes, and am engaged on the seventh, but as yet I have not received a single cent of the proceeds." In an address on the subject of natural history, by one of our most active cultivators of this branch of knowledge, we find the following remarks, which are directly in point: "Few are acquainted with the fact that from the small number of scientific works sold, and the great expense of plates, our naturalists not only are not paid for their labors, but suffer pecuniary loss from their publications. Several

works on different branches of zoology now in the course of publication, will leave their authors losers by an aggregate of $15,000. I do not include in this estimate works already finished—one, for instance, the best contribution to the natural history of man extant, the publication of which will occasion its accomplished author a loss of several thousand dollars. A naturalist is extremely fortunate if he can dispose of two hundred copies of an illustrated work, and the number of copies printed rarely exceeds two hundred and fifty." It may be said that these authors have their reward in the reputation which they thus purchase; but reputation should be the result of the talents and labor expended in the production of a work, and should not in the least depend upon the fact that the author is able to make a pecuniary sacrifice in giving the account of his discoveries to the public.

Besides the advantage to the author of having his memoir published in the Smithsonian Contributions free of expense, his labors will be given to the world with the stamp of approval of a commission of learned men, and his merits will be generally made known through the reports of the institution. Though the premiums offered may be small, yet they will have considerable effect in producing original articles. Fifty or a hundred dollars awarded to the author of an original paper, will, in many instances, suffice to supply the books, or to pay for the materials, or the manual labor required in prosecuting the research.

There is one proposition of the programme which has given rise to much discussion, and which, therefore, requires particular explanation. I allude to that which excludes from the contributions all papers consisting merely of unverified speculations on subjects of physical science. The object of this proposition is to obviate the endless difficulculties which would occur in rejecting papers of an unphilosophical character; and though it may in some cases exclude an interesting communication, yet the strict observance of it will be found of so much practical importance that it cannot be dispensed with. It has been supposed, from the adoption of this proposition, that we are disposed to undervalue abstract speculations; on the contrary, we know that all the advances in true science—namely, a knowledge of the laws of phenomena—are made by provisionally adopting well-conditioned hypotheses, the product of the imagination, and subsequently verifying them by an appeal to experiment and observation. Every new hypothesis of scientific value must not only furnish an exact

explanation of known facts, but must also enable us to predict, in kind and quantity, the phenomena which will be exhibited under any given combination of circumstances. Thus, in the case of the undulatory hypothesis of light, it was inferred, as a logical consequence, that if the supposition were true that light consisted of waves of an ethereal medium, then two rays of light, like two waves of water under certain conditions, should annihilate each other, and darkness be produced. The experiment was tried, and the anticipated result was obtained. It is this exact agreement of the deduction with the actual result of experience that constitutes the verification of an hypothesis, and which alone entitles it to the name of a theory, and to a place in the transactions of a scientific institution. It must be recollected that it is much easier to speculate than to investigate, and that very few of all the hypotheses imagined are capable of standing the test of scientific verification.

For the practical working of the plan for obtaining the character of a memoir, and the precaution taken before it is accepted for publication, I would refer to the correspondence, given in a subsequent part of this report, relative to the memoir now in process of publication by the institution. As it is not our intention to interfere with the proceedings of other institutions, but to co-operate with them, so far as our respective operations are compatible, communications may be referred to learned societies for inspection, as in the case of the above-mentioned memoir, and abstracts of them given to the world through the bulletins of these societies, while the details of the memoirs and their expensive illustrations are published in the volumes of the Smithsonian Contributions. The officers of several learned societies in this country have expressed a willingness to co-operate in this way.

Since original research is the most direct way of increasing knowledge, it can scarcely be doubted that a part of the income of the bequest should be appropriated to this purpose, provided suitable persons can be found, and their labors be directed to proper objects. The number, however, of those who are capable of discovering scientific principle is comparatively small; like the poet, they are "born, not made," and, like him, must be left to choose their own subject, and wait the fitting time of inspiration. In case a person of this class has fallen on a vein of discovery, and is pursuing it with success, the better plan will be to grant him a small sum of money to carry on his investigations, provided they are considered worthy of assistance by com-

petent judges. This will have the double effect of encouraging him in the pursuit, and of facilitating his progress. The institution, however, need not depend upon cases of this kind, even if they were more numerous than they are, for the application of its funds in the line of original research. There are large fields of observation and experiment, the cultivation of which, though it may afford no prospect of the discovery of a principle, can hardly fail to produce results of importance both in a practical and a theoretic point of view. As an illustration of this remark, I may mention the case of the investigations made a few years ago by committees of the Franklin Institute of Philadelphia. The Secretary of the Treasury of the United States placed at the disposal of this society a sum of money for the purpose of making experiments with reference to the cause of the explosion of steam boilers. A committee of the society was chosen for this purpose, which adopted the ingenious plan of writing to all persons in the United States engaged in the application of steam, and particularly to those who had observed the explosion of a steam-boiler. In this way opinions and suggestions in great variety as to the cause of explosions were obtained. The most plausible of these were submitted to the test of experiment: the results obtained were highly important, and are to be found favorably mentioned in every systematic work on the subject of steam which has appeared in any language within the last few years. New and important facts were established; and, what was almost of as much consequence, errors which had usurped the place of truth were dethroned.

In the programme examples are given of a few subjects of original research to which the attention of the institution may be turned. I will mention one in this place, which, in connection with the contents of our first memoir, may deserve immediate attention. I allude to a small appropriation made annually for researches with reference to the remains of the ancient inhabitants of our country. This is a highly interesting field, and what is done in regard to it should be done quickly. Every year the progress of civilization is obliterating the ancient mounds, cities and villages are rising on the spots they have so long occupied undisturbed, and the distinctive marks of these remains are every year becoming less and less legible.

In carrying out the spirit of the plan adopted, namely, that of affecting men in general by the operations of the institution, it is evident that the principal means of diffusing knowledge must be the *press*. Though lectures should be

given in the city in which Smithson has seen fit to direct the establishment of his institution, yet, as a plan of general diffusion of knowledge, the system of lectures would be entirely inadequate; every village in our extended country would have a right to demand a share of the benefit, and the income of the institution would be insufficient to supply a thousandth part of the demand. It is also evident that the knowledge diffused should, if possible, not only embrace all branches of general interest, so that each reader might find a subject suited to his taste, but also that it should differ in kind and quality from that which can be readily obtained through the cheap publications of the day. These requisites will be fully complied with in the publications of the series of reports proposed in the programme. A series of periodicals of this kind, posting up all the discoveries in science from time to time, and giving a well digested account of all the important changes in the different branches of knowledge, is a desideratum in the English language. The idea is borrowed from a partial plan of this kind in operation in Sweden and Germany; and for an example of what the work should be, I would refer to the annual report to the Swedish Academy of its perpetual secretary, Berzelius, on physical science. The reports can be so prepared as to be highly interesting to the general reader, and at the same time of great importance to the exclusive cultivator of a particular branch of knowledge. Full references should be given, in foot-notes, to the page, number, or volume of the work from which the information was obtained, and where a more detailed account can be found. It is scarcely necessary to remark that the preparation of these reports should be intrusted only to persons profoundly acquainted with the subjects to which they relate—namely, to those who are devoted to particular branches, while they possess a knowledge of general principles. Sufficient explanations should be introduced to render the report intelligible to the general reader, without destroying its scientific character. Occasionally reports may be obtained from abroad—as, for example, accounts of the progress of certain branches of knowledge in foreign countries, and these may be translated, if necessary, and incorporated into other reports, by some competent person in this country.

Besides the reports on the progress of knowledge, the programme proposes to publish occasionally brief treatises on particular subjects. There are always subjects of general interest of which brief expositions would be of much

value. The preparation of these, however, should be intrusted to none but persons of character and reputation, and should be subjected to a revision by competent and responsible judges before they are given to the public. They may be presented in the form of reports on the existing state of knowledge relative to a given subject, and may sometimes consist of memoirs and expositions of particular branches of literature and science, translated from foreign languages. The reports and treatises of the institution, sold at a price barely sufficient to pay the expenses of printing, will find their way into every school in our country, and will be used not as first lessons for the pupil, but as sources of reliable information for the teacher.

The second section of the programme gives, so far as they have been made out, the details of the part of the plan of organization directed by the act of Congress establishing the institution. The two plans, namely, that of publication and original research, and that of collections of objects of nature and art, are not incompatible, and may be carried on harmoniously with each other. The only effect which they will have on one another is that of limiting the operation of each, on account of the funds given to the other. Still, with a judicious application and an economical expenditure of the income, and particularly by rigidly observing the plan of finance suggested by Dr. Bache, in the construction of the building, much good may be effected in each of the two branches of the institution. To carry on the operations of the first a working library will be required, consisting of the past volumes of the transactions and proceedings of all the learned societies in every language. These are the original sources from which the most important principles of the positive knowledge of our day have been drawn. We shall also require a collection of the most important current literature and science for the use of the collaborators of the reports; most of these, however, will be procured in exchange for the publications of the institution, and therefore will draw but little from the library fund. For other suggestions relative to the details of the library, I would refer you to the annexed communication from Professor Jewett, assistant secretary, acting as librarian. (See Appendix No. 1.)

The collections of the institution, as far as possible, should consist of such articles as are not elsewhere to be found in this country, so that the visitors at Washington may see new objects, and the spirit of the plan be kept up, of interesting the greatest possible number of individuals. A perfect collection of all objects of nature and of art, if such could be

obtained and deposited in one place, would form a museum of the highest interest; but the portion of the income of the bequest which can be devoted to the increase and maintenance of the museum will be too small to warrant any attempt toward an indiscriminate collection. It is hoped that in due time other means may be found of establishing and supporting a general collection of objects of nature and art at the seat of the General Government, with funds not derived from the Smithsonian bequest. For the present it should be the object of the institution to confine the application of the funds, first, to such collections as will tend to facilitate the study of the memoirs which may be published in the Contributions, and to establish their correctness; secondly, to the purchase of such objects as are not generally known in this country, in the way of art and the illustration of antiquities, such as models of buildings, &c.; and, thirdly, to the formation of a collection of instruments of physical research which will be required both in the illustration of new physical truths and in the scientific investigations undertaken by the institution.

Much popular interest may be awakened in favor of the institution at Washington by throwing the rooms of the building open on stated evenings durings the session of Congress for literary and scientific assemblies, after the manner of the weekly meetings of the Royal Institution in London. At these meetings, without the formality of a regular lecture, new truths in science may be illustrated and new objects of art exhibited. Besides these, courses of lectures may be given on particular subjects by the officers of the institution, or by distinguished individuals invited for the purpose.

APPENDIX No. 1.

Extract from a communication of Professor Jewett, Assistant Secretary of the Institution, acting as librarian.

MY DEAR SIR: As I do not expect to have the pleasure of seeing you again before the meeting of the regents, I will, with your indulgence, refer to some of the principal matters which will require attention in commencing the library. They would no doubt all occur to you in their order, but I have thought you might find it convenient to have this part of the business in some degree prepared to your hands. A great deal of preparatory work is to be gone through with, before any books can be placed on the shelves.

1. On the plan proposed for the library, it seems to me that the first thing to be done is to make arrangements for obtaining catalogues, printed or in manuscript, of the principal libraries of the United States; to examine these libraries, as far as can be done personally, in order to know their general character, the statistics of their increase, &c.; and to form such

alliances with the librarians as will be indispensable in making the library of the institution, in conformity with the suggestion of Dr. Bache, a supplemental one, and a centre of bibliographical reference. Some libraries possess printed catalogues complete nearly down to the present time; others are several years behindhand. It will be necessary to procure manuscript catalogues in continuation of those which have been printed, and to make arrangements for receiving, from month to month, or from year to year, lists of all future accessions. These supplementary catalogues should all be prepared on a uniform plan. The titles should be written on cards of the same size, so that they may be placed together in one alphabetical arrangement, in order to facilitate research. A mark placed on the back of each card will designate the library from which it came. Now, in every library with which we are in correspondence some one must be employed to do this. It would be merely clerk's labor, where the catalogues are properly kept, and no doubt the librarian or assistant might, in every case, be induced to undertake it for a small compensation.

2. The next thing to be done will be to make arrangements for procuring the books to which we are entitled by the 10th section of the charter of the institution. Unless something be done, this provision, in course of time, will bring in comparatively few books in a year. I have no doubt that publishers generally would readily send their books, if the subject were properly presented to them, and arrangements made by which they could transmit them to Washington without subjecting the institution or themselves to expenses altogether disproportioned to the value of the books. It has occurred to me that perhaps the several district clerks might be induced to attend to the business; it is perhaps legally their duty to do so, but I suppose it would be unsafe to rely upon their performing faithfully such an unexpected duty, unless they received for it some additional compensation. Besides this, a circular might be printed and sent to publishers, setting forth the advantages which would result directly to the cause of letters, and indirectly to themselves, from compliance with this requirement. By these means I think we should obtain nearly all the publications of importance issued from the American press.

3. The selection of books for the first purchase must be made. This will, I suppose, comprise three classes of works: 1. Those which may be immediately needed in the scientific department; 2. Bibliographical works and descriptions, histories and catalogues of similar institutions; and 3. The general collection, consisting of the memoirs, transactions, and journals of the learned societies of Europe and America. These three classes of books will form a library quite unique, and one of great utility. The catalogue, if it be made with fullness and accuracy, will be a valuable publication. I think, further, that a somewhat extended list of books should be made out for future purchases. These lists should be intrusted to honest and faithful men in some of the principal book marts of Europe, with orders to buy the books whenever they can find them, at say one-half *the ordinary prices*. In this way we should obtain at very low prices great numbers of the books which we shall want. Of course, the same list should not be left with different men. The work should be done with care, and by consultation with the best scholars in the country. It will be difficult to find the necessary bibliographical *helps*. The best collection of them in the country is in the library of the Brown University, but this is very imperfect.

4. The first *purchases* are to be made, and the arrangement for future purchases. These, of course, should not be commenced until the lists are as far completed as they can judiciously be in this country.

5. Another subject contemplated in the programme of organization, and which should receive immediate attention, is the procuring of copies of some of the most celebrated *works of art*. It will probably be best to confine the purchases at first principally to plaster casts of some of the finest specimens of ancient and modern statuary. These can be procured very cheap, and convey, of course, a perfect representation of the original. I have no doubt

what for a public institution, and one under national auspices, we could whenever we desire it, obtain permission to take casts directly from the statues.

The expense of doing so would of course be somewhat greater than that of purchasing such copies as might be found in the market, but a small difference in expense is not to be thought of in such a case. It would further be desirable to commence the purchase of the models of antiquities, such as models in cork of some of the houses, temples, theaters, baths, &c., &c., in Pompeii and Herculaneum. These can be procured at comparatively small prices. Models of every interesting part of Pompeii which has been excavated, presenting in miniature a perfect view of nearly the whole on the scale of 1 foot to 150, might be procured for about $2,000. It might also be well to procure a few Etruscan vases; also a few antique coins and medals, sufficient to convey some illustration of numismatics, as a subsidiary branch of history. The regents should of couse decide what proportion of the appropriation for collections should each year be expended for these purposes. I will merely remark that $1,000, or even $500 at the outset, prudently expended, would procure a very interesting collection.

I have thus stated quite in detail the work which must be done before the library can be ready for use, or rather before any part of it can be placed upon the shelves. Before it can be ready for use much more is to be done in arranging and cataloguing. To lay properly the foundation of a large library is a slow work, and much time must necessarily be consumed in producing but small visible results.

I am, my dear sir, very truly, your friend and servant,

C. C. JEWETT.

Professor JOSEPH HENRY,
Secretary of the Smithsonian Institution.

LETTERS RELATIVE TO THE "PROGRAMME OF ORGANIZATION" OF THE SMITHSONIAN INSTITUTION PROPOSED BY PROFESSOR JOSEPH HENRY.

From T. Romeyn Beck.

ALBANY, N. Y., *November* 29, 1847.

I have perused the copy of the "Proposed Organization" which you have been good enough to send me.

I notice an omission, which may be either intentional or not. It is the exclusion of medicine and surgery from the physical class. It appears to me that there are subjects belonging to them, which are legitimate subjects of philosophical research and therefore should be included. I instance, the *materia medica*, *i. e.* the discovery of new remedies or the improved application of old ones; improvements in *surgery;* discoveries in *physiology;* and lastly, the applications of one or more to *medical jurisprudence.*

True, you are careful in your specifications, to leave room for this addition, but you must be aware that the medical profession embraces in this country a considerable portion of the talent and learning that might be roused into activity by the adoption of your plan, and I submit whether the insertion of these subjects is not due to them.

There is another branch intimately connected with the above, which deserves every encouragement. It is the promotion of the *health of communities*, or *hygiene* as the French call it. No subject is less understood—none calls for public encouragement and attention more strongly than this dreadfully neglected matter.

You will see that I refer in all this to the division of reports. The "British Association" in directing attention to and popularizing (if I may use the word) this plan of *diffusing* knowledge has done more good than most of the learned societies in the world.

I prefer, with your permission, to give you my ideas in this way, instead of noting them on the programme.

I will in conclusion only hint at a danger, which unless early and constantly guarded against, may render your scheme unpopular, and hence in a measure impair its usefulness. It is, the possibility of the selection of particular

persons—or of associations of persons in different places, who may appear to assume the control in any particular department of science—in other words, the formation of predominant cliques. These are the curse of most of our most distinguished societies at home and abroad—and in this country the danger is greater, from the fewness of men well grounded in science, and the disparity that exists between those claiming to be adepts.

These views I give you, if I know my own heart, with a sincere desire that the Smithsonian Institution may attain the highest usefulness under your administration, and that it may go on, "prospering and to prosper."

I forgot to add, what indeed I expressed to you verbally, that your plan as a whole has my unqualified approbation.

From Benjamin Silliman.

YALE COLLEGE,
NEW HAVEN, *December* 4, 1847.

Your letter of November 26, with the programme of the Smithsonian Institution, was duly received, and I have endeavored to bestow upon it a degree of consideration proportionate to its importance.

Regarding the will of Mr. Smithson as the rule and the only rule which ought to govern, I have no hesitation in saying that the views propounded in the programme are sound and correct, and ought, therefore, to be sustained.

It is obvious that Mr. Smithson intended that his fund should operate intellectually, and no further physically than is necessary for the mental effects. Books, instruments, and museums of objects of nature and art are necessary to that end, and are, therefore, within the views and purpose of the donor; but splendid buildings, of costly materials and construction, if erected at the expense of the Smithsonian fund would prove a perversion of the design and an abuse of the trust.

The neglect in which the bequest was allowed for eight years to lie, creates a claim, both of honor and equity, which ought to result in the enlargement of the fund by the appropriation of the accumulated interest to become a part of the productive capital. It would be a meritorious application of a portion of the National revenue if the buildings requisite for the accommodation of the Smithsonian Institution were to be furnished by the Government in aid of the great design for the "increase and diffusion of knowledge among men."

If, however, that course is impracticable, we may well inquire whether an appropriation of the income of a single year—say fifty thousand dollars—might not afford sufficient funds for the requisite building constructed in a style of chaste and elegant simplicity without expensive ornament, and adapted mainly to utility.

If this course were pursued, the fund would be preserved inviolate, and it would seem to be a wise forecast to limit the annual expenditures, so that an accumulating fund might be formed, which, in a few years, with compound interest resulting from frequent investments of savings might augment the capital to a million of dollars.

If it is within the views of the Government to bestow the National Museum upon the Smithsonian Institution, the very bequest would seem to draw after it an obligation to furnish the requisite accommodations without taxing the Smithsonian funds; otherwise the gift might be detrimental instead of beneficial; and if the Government should retain the proprietorship of the National Museum, but at the same time impose upon the Smithsonian Institution the burden of providing a building for its accommodation—not to say for its increase—this would obviously be an invasion of the rights of the Institution which could not be justified.

Will not every purpose promotive of the object of Mr. Smithson be accomplished by allowing the National Museum to remain in buildings furnished by the Government, and augmented from time to time as the exigency of the collections may require.

It will then be equally accessible to all cultivators of any field of knowledge demanding such illustrations, and the Smithsonian Institution will be left at liberty to pursue its own objects in its own way.

As regards the objects of research indicated in the Programme I would suggest that in addition to the law of storms—not confined, however, to American storms—observations should be made on our various climates in relation to temperature, moisture, and electricity, and their effect upon agriculture and health.

Under the head of surveys it is desirable also to include our most important mineral resources in coal and metals, and in permanent materials for architecture and for civil and military engineering.

No mention is made of natural history *in extenso*, and zoology and botany are not named.

The outline of subjects might perhaps be made more concise and still more comprehensive, and it is desirable

not to enact unnecessary limitations which might prove embarrassing.

As Mr. Smithson's object was all men—not merely Americans or Englishmen—it is desirable that every latitude should be allowed for co-operation with all cultivators of knowledge.

I have had no opportunity to consult the Connecticut Academy, but will lay the subject before them towards the close of the month. I have the coinciding opinions of Mr. Dana and my son with the above.

From the American Academy of Arts and Sciences.

BOSTON, *December* 8, 1847.

DEAR SIR: I am directed by the Academy to communicate to you the accompanying report, made on the subject of your programme, laid before the Academy, with your note of the 30th September, and to express the great interest which the Society feels in the important subject to which it relates.

ASA GRAY,
Corresponding Secretary.

The committee to whom was referred the "Programme for the Organization of the Smithsonian Institution," submitted to the Academy by the Secretary, Professor Henry, with his letter of the 30th September, made the following report:

Professor Henry is understood to be desirous of ascertaining the opinions of the scientific bodies of the country, on the subject of the proposed organization of the Smithsonian Institution; and the free expression of their views is wished by him.

The interesting nature and high importance of this foundation, and the novel and peculiar circumstances attending its establishment, make it highly expedient, in the opinion of the committee, that every step taken in its organization should be deliberately considered. They think it no more than just to express their satisfaction, that the control of the infant establishment has been placed in the hands of a Board of Regents of the highest intelligence, respectability, and weight of character; and in the wise selection made of the officers, on whom the active executive duties of the institution will devolve, the committee perceive a satisfactory pledge, as far as they are concerned.

Professor Henry's *Programme* commences with "general considerations, which should serve as a guide in adopting the plan of organization." He points out the nature of the bequest, as made to the United States for the purpose of founding at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men. The bequest is, accordingly, for the benefit of mankind. The Government of the United States is but a trustee to carry out this noble design. Even the people of the United States are interested only so far as they constitute one of the great families of the human race.

The objects of the Institution are twofold; 1st, the increase, and 2d, the diffusion, of knowledge,—objects which, although frequently in a vague

way confounded with each other (inasmuch as it often happens that knowledge is diffused by the same act which increases it) are nevertheless logically distinct, and require to be separately regarded. No particular kind of knowledge is specified by the founder as entitled to the preference; all branches are entitled to a share of attention; and the order and degree in which they are cultivated must be decided by a wise regard to means and circumstances. Knowledge may be increased by various modes of encouraging and facilitating the discovery of new truths; it is diffused chiefly, though not exclusively, through the instrumentality of the press. The organization should be such as to produce results not within the province of the existing institutions of the country. It was, for instance, evidently not the design of the liberal founder to establish a collegiate institution, or a place of education; nor would it be wise to appropriate his bequest for such an object, already sufficiently attained by the ordinary resources of public and private liberality. Considering the novelty of the undertaking, it would be manifestly unwise to stake too much on the success of the first efforts. The organization should be such as to admit of changes and modifications under the light of experience. As several years have elapsed since the fund came into the possession of the United States, it seems no more than equitable that a considerable portion of the accruing interest should be added to the principal, to make up for the loss of time. The committee consider this suggestion as perfectly reasonable, and trust it will receive the favorable consideration of Congress. Liberal as is the original bequest, the sum is but small compared with the great objects to be accomplished. This consideration suggests the absolute necessity of economy in any outlay on buildings and fixtures; in reference to which a prudent regard must be had, not merely to the first cost, but to the future expense of repairs, and the support of the establishment. Great care must be taken not to multiply the number of persons to be permanently supported by the Institution. A clear and settled idea of its organization and mode of operation must precede the adoption of a plan of building, lest, after the completion of a costly edifice, it should be found nearly or quite useless; or worse even than useless, by forcing a character upon the Institution which would not otherwise have been given it. All view to mere local arrangement or advantage should be discarded at the outset, in the management of a trust created for the benefit of mankind.

Such, very slightly expanded in a few of the propositions, are the general considerations proposed by Professor Henry as guides in adopting a plan of organization. They command the entire assent of the committee; and none of them more so than those which refer to the necessity of strict economy in the expenditure of the fund on a building, and exclusion of undue regard to local ornament. It would not be difficult to point to a memorable instance, in a sister city of the Union, in which the most munificent bequest ever made for the purpose of education has been rendered comparatively unavailing, by the total disregard of these wise principles. It is an additional reason for observing them, that the attempt to erect a highly imposing building for local ornament will not only crush in the bud all hope of fulfilling the ulterior objects of the bequest, but will be almost sure to fail of a satisfactory result as far as the edifice itself is concerned.

The Secretary's plan of organization in reference to the increase of knowledge is so accurately digested and so thoroughly condensed, that the committee think it would be best to quote his own words:—

"To INCREASE KNOWLEDGE, it is proposed,

"1. To stimulate men of talent to make original researches, by offering suitable rewards for memoirs containing new truths; and,

"2. To appropriate annually a portion of the income for particular researches under the direction of suitable persons."

These methods of *increasing knowledge* are farther unfolded in the following "Detail of the Plan" for that purpose.

"I. *By stimulating researches.*

"1. Rewards consisting of money, medals, &c., offered for original memoirs on all branches of knowledge.

"2. The memoirs thus obtained to be published in a series of volumes in a quarto form, and entitled Smithsonian Contributions to Knowledge.

"3. No memoir, on subjects of physical science, to be accepted for publication which does not furnish a positive addition to human knowledge; and all unverified speculations to be rejected.

"4. Each memoir presented to the Institution to be submitted for examination to a commission of persons of reputation for learning in the branch to which the memoir pertains, and to be accepted for publication only in case the report of this commission is favorable.

"5. The commission to be chosen by the officers of the Institution, and the name of the author, as far as practicable, concealed until a favorable decision shall have been made.

"6. The volumes of the memoirs to be exchanged for the transactions of all literary and scientific societies, and copies to be given to all the colleges and principal libraries in this country. One part of the remaining copies may be offered for sale; and the other carefully preserved, to form complete sets of the work, to supply the demand from new institutions.

"7. An abstract or popular account of the contents of these memoirs should be given to the public through the annual report of the Regents to Congress.

"II. *By appropriating a portion of the income annually to special objects of research, under the direction of suitable persons.*

"1. The objects and the amount appropriated to be recommended by Counsellors of the Institution.

"2. Appropriation in different years to different objects; so that in course of time each branch of knowledge may receive a share.

"3. The results obtained from these appropriations to be published with the memoirs before mentioned in the volumes of the Smithsonian Contributions to Knowledge.

"4. Examples of objects for which appropriations may be made:—

"(1.) System of extended Meteorological Observations for solving the problem of American Storms.

"(2.) Geological, Magnetical, and Topographical surveys to collect materials for the formation of a Physical Atlas of the United States.

"(3.) Solution of experimental problems; such as weighing the earth; new determination of the velocity of electricity and of light; chemical analysis of soils and plants; collection and publication of articles of science, accumulated in the offices of Government.

"(4.) Institution of statistical inquiries with reference to physical, moral, and political subjects.

"(5.) Historical researches and accurate surveys of places celebrated in history.

"(6.) Ethnological researches, particularly with reference to the present races of men in North America; also explorations and accurate surveys of the mounds and other remains of the ancient people of our country."

The committee have made this long extract from Professor Henry's *Programme*, in order to give to the Academy an adequate idea of the proposed plan, as far as it refers to the first branch, or the *Increase of Knowledge*. It has, in some of its features, been already adopted. It is already announced that one voluminous memoir, copiously illustrated by engravings, is already on its passage through the press, under the auspices of the Smithsonian Institution. The committee refer to an elaborate memoir by Messrs. Squier and Davis, on the aboriginal mounds discovered in large numbers in various parts of the United States, and especially in the region northwest of the Ohio. This memoir was accepted on the favorable report of the Ethnological Society of New York, to which it has been referred by the Secretary of the Institution, and in whose Transactions an abridgment of it has appeared. It is also understood that a memoir on one of the

most interesting subjects which engages the attention of geometers and mathematicians at the present moment, viz: the planet Neptune, has been invited by the Secretary from one of our members.

While the committee would deprecate all attempts unduly to stimulate the increase of knowledge, as sure to prove abortive, and to result at best in the publication of crude investigations, they believe it quite possible to remove some of the obstructions to its progress. Narrow circumstances are too apt to be the lot of genius when devoted to scientific pursuits; and the necessity of providing for personal and domestic wants too often absorbs the time and faculties of those who might, if relieved from cares of this kind, have adorned their age and benefitted mankind. To such men a moderate pecuniary advantage, derived from a successful investigation, might be of vast importance. The efficacy of market upon production is not limited to the creations of physical labor. It is seen in the history of science and literature of every age and country. Invention in the mechanical arts, and skill in practical science, are well paid in this country, and how great is the harvest! The extraordinary effect even of an honorary inducement is seen in the case of the medal offered by the king of Denmark for the discovery of telescopic comets. On these principles it may be hoped, that, by offering a moderate pecuniary compensation for researches of real merit, valuable contributions to knowledge will be produced; while their publication will tend directly to the diffusion of knowledge. An encouragement somewhat similar, toward the promotion of the increase of knowledge, would be afforded by another part of the proposed operations, that of providing the requisite apparatus and implements, and especially books, to be placed in the hands of those engaged in particular lines of investigation. In this way it is not unlikely that a considerable amount of talent may be rendered effective, which at present is condemned to inactivity from local position unfavorable to scientific research.

It is not the purpose of the committee to engage in minute criticism of the details of the *Programme;* but it may not be out of place to suggest a doubt of the practicability or expediency of carrying into rigid execution "the rejection of all unverified speculations," as proposed in the third paragraph of the first section above cited. While it is obviously advisable to discountenance all theoretical speculations not directly built upon observation, it might be too much to exact, in all cases, that these speculations should have been actually verified. No small portion of modern geology is an ingenious structure of speculative generalizations. The undulatory theory of light can hardly claim any other character. The nebular theory, though proposed and illustrated by the highest astronomical talent of the past and present generations, is rapidly sinking from the domain of accredited speculations. It may be doubted even whether M. Leverrier's brilliant memoirs on the perturbations of Uranus would not, as published before the discovery of Neptune, have fallen within this principle of rejection rigorously applied.

Upon the whole, the committee think very favorably of all parts of the plan for increasing knowledge, and feel no doubt that it would afford important encouragement to scientific pursuits. To suppose that it will create an era in science, or throw into the shade the ordinary educational and intellectual influences at work in the country, would be extravagant. It is enough, and all that can be expected, if it be a rational plan for appropriating moderate means toward the attainment of a desirable end.

To fulfill the other objects of the trust, viz.: to "diffuse knowledge," the Secretary proposes to publish "a series of reports, giving an account of the new discoveries in science, and of the changes made from year to year in all branches of knowledge not strictly professional." These reports are to be prepared by collaborators most eminent in their several departments, who are to receive a compensation for their labors; the collaborator to be furnished with all the journals and other publications necessary to the preparation of his report.

The following enumeration of the proposed subjects of these reports will give the Academy a full conception of this part of the plan.

"I. PHYSICAL CLASS.

"1. Physics, including Astronomy, Natural Philosophy, Chemistry, and Meteorology.
"2. Natural History, including Botany, Zoölogy, and Geology.
"3. Agriculture.
"4. Application of Science to Arts.

"II. MORAL AND POLITICAL CLASS.

"5. Ethnology, including Particular History, Comparative Philology, Antiquities, &c.
"6. Statistics and Political Economy.
"7. Mental and Moral Philosophy.
"8. A Survey of the Political Events of the World; Penal Reform, &c.

"III. LITERATURE AND THE FINE ARTS.

"9. Modern Literature.
"10. The Fine Arts, and their application to the useful arts.
"11. Bibliography.
"12. Obituary notices of distinguished individuals."

Another branch of the plan for the diffusion of knowledge contemplates the offer of premiums for the best essays on given subjects.

The publications of the Institution, of whatever form, are proposed to be presented to all the colleges and to the principal libraries and scientific institutions throughout the country, and to be exchanged for the transactions of all scientific and literary societies throughout the world, thus laying the foundation of a valuable library. An adequate number are to be preserved to supply the future demand of new institutions, and the remainder are to be placed on sale at a price so low as to render them generally accessible.

For carrying out the plan thus sketched for increasing and diffusing knowledge, the Regents propose to appropriate one-half of the income of their fund. The remainder is to be expended in the formation and maintenance of *a library, a collection of instruments of research in all branches of experimental science, and a museum.* This partition of the income of the fund is stated to be "a compromise between the two modes of increasing and diffusing knowledge."

A library is one of the objects contemplated in the act of Congress, establishing the Board for the management of the trust. It is requisite for carrying out the plan above proposed. At the same time it will be observed, that the distribution by exchange of the publications, which that scheme of operations will call into existence, will rapidly provide the Institution, without farther expense, with the class of works, often of a costly character, which are most directly important as the means of advancing and diffusing positive knowledge. It is accordingly in these that the Secretary proposes to lay the foundations of the library; forming, 1st, a complete collection of the Transactions and Proceedings of all the learned societies in the world; and, 2d, a similar collection of all the current periodical publications, and other works necessary in preparing the contemplated periodical reports. In the next place, it is proposed to procure by preference those books which are not found in the other public libraries of the United States, regarding the want of them as of more urgency to be supplied than that of a symmetrical and proportionate collection of books in all the departments of science. Such a library as the plan proposes may be fairly regarded as an important instrument for the increase and diffusion of knowledge.

The collection of scientific apparatus and instruments of research is no less needful in the furtherance of the above-mentioned plan, which, as it proposes to aid individuals in the prosecution of important researches, may often do so most effectually by the loan of the instruments required for a particular investigation. They will also be needed, especially at Washington, for carrying out, under the most advantageous circumstances, the various experimental investigations in physics already pursued by the Secretary, with such credit to himself, and such honor to the scientific character of the country.

The Smithsonian Institution is also to be intrusted with the conservation of a national museum; Congress having, by a clause in the act of incorporation, devolved upon it the charge of the immense collections belonging to the public, of which those brought home by Captain Wilkes from the Exploring Expedition form the greater portion, but which are daily increasing from many sources. These collections, when a proper and convenient place shall have been prepared for their reception and preservation, are likely to accumulate with still greater rapidity in time to come.

While there is an obvious propriety and convenience in thus intrusting the care of the public collections to the officers of the Smithsonian Institution, it will not, the committee trust, be forgotten by Congress, that the income of the Smithsonian bequest—moderate at best, and consecrated to an object distinct as it is elevated—ought not to be burdened with the cost of constructing an edifice for the reception and exhibition of the public collections, and their preservation and care. These objects would alone absorb a considerable portion of the fund. If drawn upon to carry them into effect, its efficiency for any other purpose will be seriously diminished, if not altogether destroyed.

The plan also contemplates a museum of the fine arts, as well as a scientific apparatus; it proposes to procure "casts of the most celebrated articles of ancient and modern sculpture," and "models of antiquities." While it is undoubtedly true, that a gallery of this description would find an appropriate place in an establishment devoted to the increase and diffusion of knowledge in its broadest sense, the committee cannot but hope that the immediate execution of this part of the plan will not be attempted; but that it will be deferred till other objects of more decided utility have been provided for, and until a surplus of unappropriated funds shall have accrued.

The Academy will perceive that the most novel and important feature of this plan is that which proposes to insure the publication of memoirs and treatises on important subjects of investigation, and to offer pecuniary encouragement to men of talent and attainment to engage in scientific research. It is believed that no institution in the country effects either of these objects to any great extent. The nearest approach to it is the practice of the Academy, and other philosophical societies, of publishing the memoirs adopted by them. These, however, can rarely be works of great compass. No systematic plan of compensation for the preparation of works of scientific research is known by the committee to have been attempted in this or any other country. It can scarcely be doubted that an important impulse would be given by the Institution, in this way, to the cultivation of scientific pursuits; while the extensive and widely ramified system of distribution and exchange, by which the publications are to be distributed throughout the United States and the world, would secure them a circulation which works of science could scarcely attain in any other way.

It is an obvious characteristic of this mode of applying the funds of the Institution, that its influence would operate most widely throughout the country; that locality would be of comparatively little importance as far as this influence is concerned; and that the Union would become, so to say, in this respect, a great school of mutual instruction.

The committee would remark, in conclusion, that, in a plan of operations of this kind, very much depends upon the activity and intelligence with which it is administered. The character of the Board of Regents is a

sufficient warrant for the prudence and good judgment which will watch over the general interests of the foundation; while the reputation of the Secretary and his assistant, the Librarian, is so well established in their respective departments, as to render any tribute from the committee entirely superfluous.

All which is respectfully submitted by the committee.

EDWARD EVERETT, (*Chairman.*)
JARED SPARKS.
BENJAMIN PEIRCE.
HENRY W. LONGFELLOW.
ASA GRAY.

December 4th, 1847.

NOTE.—Professor Agassiz was named of the committee, but, owing to his absence at the South, was unable to take part in the preparation of this report.

From the New Jersey Historical Society.

NEWARK, N. J., *November* 24, 1848.

This Society having already considered the programme of the Smithsonian Institution and adopted the report of a special committee, approving of its provisions (which report has been transmitted to the Regents,) I have now only to state, that in no instance, so far as I can learn, has an examination of the document failed to secure for it the same measure of commendation.

W. A. WHITEHEAD,
Corresponding Secretary.

The following is the report referred to:

The Committee to whom was referred the Programme of organization of the Smithsonian Institution report, that having in common with the other members of the Historical Society listened with gratification and conviction to the exposition by Dr. Henry, of the nature and objects of the Smithsonian Institution, and of the means whereby those objects might most surely be attained, they turned their attention to a consideration of the Programme referred to them.

And they unhesitatingly report, as the result of their considerations, their unanimous opinion, that in the general considerations set forth in the Programme, as guides in adopting the proper plan of organization, the designs of the liberal founder of the Institution are justly appreciated, and the means of accomplishing those designs are set forth with great discrimination.

The fund is a trust fund for the increase and diffusion of knowledge among men; the Institution created by this fund is not a national establishment, much less an establishment for promoting local improvements of any sort. Its aim is to "increase knowledge" by the discovery of new truths, and to "diffuse" this increased knowledge by suitable publications. Its field is not Washington, nor even the United States, but all mankind.

Hence it would seem obviously to result, that all the funds so far as now can be done under the act of Congress incorporating the Institution, should be sacredly appropriated in such manner as to fulfill the views above indicated.

Entertaining these views the Committee would look upon any large expenditure for the construction or ornament of buildings at Washington as misplaced, as contravening the comprehensive and liberal designs of the founder, and as calculated to the extent to which such expenditures might be carried, to delay the period when the munificence of the endowment might become operative, in stimulating the inventive genius of men, and in aiding the efforts of enterprising individuals in diffusing the results of their discoveries and researches.

The details of the plans to increase and to diffuse knowledge, as set forth in the Programme, seem to your Committee wise and well considered, and as eminently fitted to render the bequests of the liberal Englishman productive of its legitimate and highest results, in which not Americans only, but all men are so deeply interested.

Your Committee therefore propose these resolutions for the adoption of the Society:—

Resolved, That the Programme of organization of the Smithsonian Institution as explained by Dr. Henry, seems to this Society to lay down the most efficient and fitting means for rendering available in its highest degree the munificent endowment of the Institution and of carrying out the views of its founder.

Resolved, That a copy of these proceedings duly authenticated by the officers of this Society, be transmitted to the Board of Regents of the Smithsonian Institution.

CHARLES KING.
RICHARD S. FIELD.
WM. B. KINNEY.
L. KIRKPATRICK.
NICHOLAS MURRAY.

The report having been accepted, the resolutions were unanimously adopted.

From Nath'l F. Moore.

COLUMBIA COLLEGE,
NEW YORK, *November* 24, 1848.

As regards your well considered programme I should hardly have presumed to offer even an approval of it, but for your request. I can give it heartily however, and fully; though (complying again with your request) I venture to suggest that perhaps the limitation under the 7th head of section 2d is too narrow, while on the other hand, the great value of the fine arts and the just appreciation of them by cultivated minds, may create a risk of the institution's going too far in the direction opened under the 10th, 11th, and 12th heads of the same section.

I read some time ago what seemed to be a studied vindication of the step taken by the Institution in publishing the work of Messrs. Squier and Davis, but the volume now issued from the press carries with it its justification, and will, I think, be everywhere regarded as a curious and valuable contribution to knowledge of a kind that was much

From Mark Hopkins.

WILLIAMS COLLEGE,
WILLIAMSTOWN, MASS., *November* 24, 1848.

I have received a copy, forwarded by you, of the programme of the Smithsonian Institution. It meets my hearty approbation, and is probably as perfect as any thing of the kind can be without experience, and I have no suggestion to make.

In such an enterprise much must depend on the officers, and I am gratified to know that thus far the selection has been such as to deserve and receive universal confidence. If any co-operation of mine should be needed, it may be relied on.

From Enoch Pond.

BANGOR THEOLOGICAL SEMINARY,
BANGOR, ME., *November* 24, 1848.

I received this morning your favor of the 17th with the accompanying papers. I have perused your programme with much interest. It seems to have been drawn up with care, and with a due regard to the will of Mr. Smithson. I think of no additions or improvements. It meets my cordial approbation.

From Charles J. Whipple.

SALEM ATHENEUM,
SALEM, MASS., *November* 27, 1848.

The programme of organization of the Smithsonian Institute meets our approbation; one question is naturally suggested after its perusal, viz: can all the objects proposed be accomplished in the true spirit of the original design? If in the affirmative—then the institution will be a noble affair—just what is wanted at this time to meet the wants of the age. It has our hearty co-operation, and we should be pleased to contribute our mite towards aiding the institution to carry forward successfully all their plans.

From H. J. Ripley.

NEWTON THEOLOGICAL INSTITUTION,
NEWTON, MASS., *November* 27, 1848.

I have been directed by the faculty of this institution to acknowledge the receipt of your communication with ac-

companying documents, sent to the late president of this institution. As he is not now connected with the institution, the papers were laid before the existing faculty.

The programme has our entire approbation. We are not prepared to make any suggestions relative to the subject. We trust we shall be always ready to give you our co-operation in cases where it may be required.

From Simeon North.

HAMILTON COLLEGE,
CLINTON, N. Y., *November* 30, 1848.

The accompanying programme I have examined with care, and am happy to say that I regard it as comprehensive and judicious, and that the plan which it marks out is one eminently fitted to subserve the interest of learning—both in "the increase and diffusion of knowledge among men."

From James P. Wilson.

DELAWARE COLLEGE,
NEWARK, DEL., *November* 30, 1848.

I received the circular sent from the Smithsonian Institute, and make this communication simply in conformity with the specific request contained in it. I do not for a moment imagine that my crude views can be of any value at all in the matter.

There is no doubt, that from the data in the bequest, various solutions would be suggested by thoughtful minds—and innumerable plans projected—and yet on carefully reading and reflecting on the programme, I cannot even propose a *criticism* by way of amendment. As a great enlightened agency for *diffusing knowledge* which implies in this case *increasing* it, so far as practicable, I cannot see how a scheme can be devised, more comprehensive, and at the same time more effective in carrying out the design of the testator. These I think must be the impressions of any candid mind.

From C. P. Krauth.

PENNSYLVANIA COLLEGE,
GETTYSBURG, PA., *November* 30, 1848.

I have received your circular and the accompanying programme, &c., and agreeably to your request express in this way my approbation of the same. Not prepared at present to make any suggestions relative to the subject. I will cheerfully co-operate in any way that I can hereafter.

From William Sparrow.

"THEOLOGICAL SEMINARY,"
FAIRFAX CO., VA., *December* 1, 1848.

In regard to the "Programme of Organization" I shall not presume to offer any suggestions; I only venture to express the hope that under the head of the "moral and political" class of subjects, the particular branches of moral and mental *philosophy* will receive a due share of cultivation, and I say this, only because of the extreme difficulty which manifestly accompanies your labors in that department above all others, and not because of indifference towards any form of knowledge which concerns mankind.

From M. F. Maury.

NATIONAL OBSERVATORY,
WASHINGTON, *December* 2, 1848.

The law establishing the Smithsonian Institution is in my judgment not entirely free from objection. But taking the law as it is, it appears to me that the programme of the Institution is not only admirable, but the best that under the circumstances of the case could have been devised.

The programme appears to me to embrace all subjects, and to include the results of all researches, which tend to the increase and diffusion of knowledge among men. I see no room for improvement and therefore have no suggestions to make with regard to it.

It will afford me pleasure at all times, and on all occasions, to co-operate with the Smithsonian Institution in the pursuit of those departments of knowledge appropriate to the Observatory; and I hope therefore you will do me the favor to call freely on the Observatory in all matters whenever its co-operation may subserve the great interests of science and therefore of the world.

From Aug. W. Smith.

WESLEYAN UNIVERSITY,
MIDDLETOWN, CT., *December* 2, 1848.

I had previously received a copy of the "Programme of Organization of the Smithsonian Institution," and examined it with some care. I have again carefully re-perused and considered the details as therein presented with your "explanations and illustrations."

In common with many others, I presume, I had indulged some apprehensions on the subject of the *mode* in which the intentions and purposes of the testator *could* and *would* be carried out by the trustee. These apprehensions were not diminished, on reading the reports of the widely different views and plans which seemed not merely to divide but to distract Congress while the subject was under discussion. They were, however, greatly removed by a sight of the programme.

Those portions of the plan which seem to result directly from the will of the testator, by the action of yourself and Board of Regents, have a character conformable to the designs of the testator, and much more of symmetry, than the novel character which the Institution was to bear, warranted the hope of realizing so early in its history. I re-read the whole with the special purpose of raising objections and finding occasion to make suggestions, but I freely confess I do not see wherein the portion referred to, could be improved, especially as the details are conditioned on their practical and successful character when tested by experience. Neither am I prepared to condemn the appropriation of the means of the Institution by the positive enactments of Congress to the formation of a library—especially the kind of library contemplated. But with regard to cabinets, &c., I do not so clearly see in what it will ultimate. More is, however, to be feared from a disposition to modify and change, under the pretence of improving the plan, by the numerous sages who, as members of Congress, will become its guardians-in-law.

My hopes of its success and utility are strong while under its present direction, if untrammelled by new restrictions and left free to act. On the whole, the country and the friends of science may well congratulate themselves upon the prospects of the Institution, and especially (allow me to say it in all sincerity) upon the choice of the individual selected to direct and superintend its interests, with regard to whom public sentiment is unanimous so far as I have heard an expression of opinion.

From James Curley.

GEORGETOWN COLLEGE,
DISTRICT OF COLUMBIA, *December* 5, 1848.

We shall give our opinion as soon as possible of the admirable plan you have formed for the organization of the institution.

From Edward Hitchcock.

AMHERST COLLEGE,
AMHERST, MASS., *December* 7, 1848.

I have looked over the programme of the Institution with much interest, and consider it most admirably adopted to accomplish the objects aimed at by Mr. Smithson. So complete is it in its applications that with my limited knowledge I have no additional suggestions to make. I anticipate very interesting results to the cause of science in this country from the carrying out of this plan.

From Hector Humphreys.

ST. JOHN'S COLLEGE,
ANNAPOLIS, MARYLAND, *December* 11, 1848.

I have read the programme, and say at once, that I highly approve all its provisions. It fills up providentially a desideratum long felt in the United States, owing to the little encouragement which our government feels authorized under the Constitution to extend to science and art. This has reached but little beyond the poor protection that the patent laws give to new inventions. Your plan will incite many industrious and ingenious men to undertake works of original research, because you offer them a *certain* reward, in case they should succeed. The subsequent *diffusion* will need no stimulus.

From the President and Faculty of Georgetown College.

GEORGETOWN COLLEGE,
DISTRICT OF COLUMBIA, *December* 16, 1848.

We have received the first volume of the "Smithsonian Contributions to Knowledge," and now return many thanks to you and to those whose wisdom and experience have formed the "Plan of Organization" which has brought to light the interesting subject contained in the splendid work now presented to the public.

In acknowledging your kindness for this valuable present we cannot avoid expressing our admiration of the Plan of Organization itself, which is contained in your able Report of December, 1847; convinced as we feel that scarcely anything superior to it could be conceived to carry out, wisely, and generously the intentions of Mr. Smithson. This being our candid opinion it would be useless to analyse the report

in order to show the excellence of each part in its furtherance of the grand object of the Smithsonian Institution, as an impartial mind by attentively perusing your report will easily perceive how fully it embraces the benevolent designs of the founder.

From E. Robinson.

UNION THEOLOGICAL SEMINARY,
NEW YORK, *December* 18, 1848.

Your letter announcing the first volume of the Contributions, was put into my hands on Saturday; though the volume was received some days earlier. I beg leave to return thanks, in behalf of the Directors and Faculty of the Seminary, for the volume in question, which contains a rich harvest of information, that always seemed to me a very appropriate beginning for such an Institution.

In regard to the *Programme* forwarded, I have already stated to Professor Henry, and perhaps to yourself, my favorable views.

From Henry Brewerton.

U. S. MILITARY ACADEMY,
WEST POINT, N. Y., *December* 18, 1848.

After carefully looking over the Programme, I find nothing to suggest, by way of improvement, in the details of the plan adopted for carrying out the bequest of Mr. Smithson.

From Francis Wayland.

BROWN UNIVERSITY,
PROVIDENCE, R. I., *December* 19, 1848.

I have been for some time acquainted with the Programme of the Smithsonian Institution, and have deliberately reflected upon the plans which it unfolds for carrying into effect the benevolent designs of the testator; and it gives me great pleasure to assure you that I cordially approve of them. In the first place, I can conceive of no other method by which Mr. Smithson's object, to increase and diffuse knowledge among men, could be so literally and completely realized. In the next place, the work which it aims to accomplish is of inestimable importance, and it can be accomplished by no other institution now existing in our country. You will thus be enabled to render most

efficient aid to every other literary and scientific institution, without interfering with the labors of any, and you will at the same time disseminate original knowledge in every country on the globe. A new impulse will thus be given to investigation in every department of science; and learned men will know that through you they will be able to make their discoveries available to their brethren throughout the civilized world. Time and experience may very possibly suggest modifications of your original plan, and for these modifications it will be always prepared. I, however, know of none which I would wish to propose.

I think you have been fortunate in commencing the series with the volume on "The Ancient Monuments in the Mississippi Valley." It is an addition to human knowledge and peculiarly adapted to the present condition of ethnological inquiry. It can not fail to be well received both in this country and in Europe.

From Leonard Woods.

BOWDOIN COLLEGE,
BRUNSWICK, ME., *December* 23, 1848.

I am happy to take this occasion to express the great satisfaction with which the gentlemen of our college faculty have examined the comprehensive plan presented in the Programme of Organization of the Smithsonian Institution, and their disposition to co-operate by every means in their power in promoting the object of the Institution.

From W. Peronneau Finley.

COLLEGE OF CHARLESTON,
CHARLESTON, S. C., *December* 25, 1848.

I hardly need say that the "Programme of Organization," &c., a copy of which accompanies your letter, is, in my opinion, most admirably adapted to effectuate the objects of the Institution. I have no suggestion to make which could render the scheme adopted more perfect.

From E. D. MacMaster.

MIAMI UNIVERSITY,
OXFORD, OHIO., *December* 28, 1848.

The Programme of the Institution, which you did us the honor to send, appears to us to be conceived in a liberal

spirit, and formed with a comprehensiveness of scope well befitting the design of this great Institution; and we look with much confidence for valuable results from it under its present direction in accomplishing that design.

I take the liberty of suggesting what I suppose is included, though not specifically mentioned, under your first title of subjects, the subject of *Ethico-Political Science;* especially the origin, constitution, objects, and ends of the State, and its relations to other institutions, as the church, the family, the various societies, purely voluntary, existing among men, &c., &c., as one worthy of being commended to the notice of some able and well-qualified men among your collaborators. We claim that our political system pre-eminently rests upon an ethical foundation, and is essentially grounded upon the natural rights of man; and that our country occupies, in this respect, a peculiar position in relation to the other nations in their great progress toward the new political order to which they are making their way. It would seem to be peculiarly fitting that an Institution, founded by a foreigner and committed to the Government of this nation as a trustee, for the increase and diffusion of knowledge among men, should promote exposition and elucidation of *the theory* of the State, in its own nature and its relations—a subject not yet well understood by the nations, perhaps even by ourselves. And though I am aware of the causes which make it more difficult for such an Institution as yours to undertake the discussion of moral and political subjects than those of physical science, or of literature and art, yet I would hope, on the one hand, that writers on such a subject would go deep enough toward the foundation of things to get beyond the troubled waters at least of party-politics; and that, on the other hand, there would be, on the part of their readers, such a manly spirit of confidence in the power of truth as not to be afraid of such admixture of error, real or supposed, as might be unavoidable. But I submit the matter to your consideration, merely making the suggestion.

From Charles Martin.

HAMPDEN SIDNEY COLLEGE, VA., *December* 27, 1848.

Some two or three months ago, while temporarily officiating as president of our college, I received one number of the "Smithsonian Contributions to Knowledge — The Ephemeris of Neptune for the Opposition of 1848." Constant occupation, and the pressure of care at that time pre-

vented a prompt acknowledgment of the favor conferred on the college.

But I seize the first comparative leisure afforded me to express my thanks, on behalf of the college, for this contribution; and may I not embrace the occasion to say that I feel deeply interested in all the movements of this noble, most remarkable, and somewhat singular Institution over which you preside.

This Institution is one of the most striking educational features of the age, and peculiarly characteristic of our country and her bold, liberal, practical spirit, and in it, as such, I take pride, and rejoice. Though we are indebted to a foreigner for its liberal foundation, yet great glory must accrue to our Government, which seems to be the only one on earth capable of accomplishing the generous and philanthropic purposes of the donor.

I in common with all my fellow citizens who are interested in the increase of knowledge, shall hail with joy every addition you make to science, every encouragement you afford to the inquiring, and every impulse you give to the American mind. The christian and patriot must hope for, and rejoice in, the success of this noble Institution.

From A. S. Packard.

BOWDOIN COLLEGE,
BRUNSWICK, ME., *December* 28, 1848.

As regards the volume which has been issued by the Smithsonian Institution, I may be allowed to state my personal gratification in this "contribution" to our knowledge of a past and forgotten race. Some years since I was much interested in the subject and pursued my inquiries with such aids as were then accessible. I have been much struck therefore with the clearness, definiteness and reliability of the investigation which this volume contains; and I cannot but think, that this first "contribution" of the Smithsonian Institution will be received as an earnest of the great good it may accomplish for our country.

From John Chamberlain.

OAKLAND COLLEGE, MISS., *December* 30, 1848.

As to the programme which has been adopted by the Regents, it receives my entire approbation—because of its worthy Secretary, and his associates by whom it was projected—who are deserving unqualified confidence for their ability to devise and manage for the best interests of such

an Institution. And in respect to co-operating in cases where it may be required, and where we have the ability to do so, will be most cheerfully given.

From A. C. Kendrick.

MADISON UNIVERSITY,
HAMILTON, N. Y., *January*, 1849.

Owing to the peculiar circumstances of our Institution being without a president, and an exciting question pending as to its location, and also some questions pertaining to its organization being yet unsettled, you will not, I trust, regard it as disrespectful that your valuable communication has remained so long unacknowledged.

Permit me in the first place, as the librarian of the Institution, to tender to you our sincere thanks for the very valuable donation which we have received from your Institution, and the deep interest which we feel in its objects and prosperity. As you request the president's opinion, if he approves the plan of the Institution and suggestions, I suppose that in the absence of a president, you will scarcely expect an answer to these questions. Permit me to say, however, that having examined the Programme of Organization, I am deeply interested in it, and highly gratified with, and feel confident that it cannot but prove a most powerful auxiliary to the cause of sound learning and refined taste in this country. I shall submit the paper to my colleagues, and any suggestions which they may make I shall forward to you. The only suggestion that has occurred to me is the inquiry whether ancient literature, considering the intimate connection which it sustains with modern, being in no slight degree its source and parent, and also considering this liability to be pushed aside by the enlarging boundaries and exciting nature of scientific studies and of modern literature, might not justly have a place among the specific objects to which the Smithsonian Institute shall devote its inquiries. Is not the total omission of this subject a defect in the plan of a national institution so comprehensive as that of the Smithsonian Institution? Considering also the connection of the ancient literature with the fine arts, do we not find an additional reason for including this branch of study. Deeply penetrated as I am with the conviction that the ancient languages and literature must ever hold an indissoluble connection with the highest liberal culture, I can scarcely reconcile myself to the the entire omission of this class of studies in the plan of In-

stitution. Still I am aware that it is measurably embraced under the head of comparative philology, which can scarcely be pursued a step without calling into requisition the ancient, classical, and oriental members of the Indo-European family?

You will pardon, gentlemen, this suggestion, which is not made in any spirit of fault-finding or dictation. I have entire confidence in the competency of the gentlemen to whom the management of the Institution is entrusted, and doubt not they will give such scope to its plans and effects as will conduce most largely to its usefulness.

From Philip Lindsley.

UNIVERSITY OF NASHVILLE,
NASHVILLE, TENN., *January* 5, 1849.

I have carefully examined the "Programme," and I cordially approve it. Of course, I have no suggestions to offer. I rejoice that the Institution is fairly at work under the most favorable auspices, and with every prospect of fully meeting the highest anticipations of its friends and of the public generally.

From Benjamin S. Ewell.

WILLIAM AND MARY COLLEGE,
BUCKLAND, PRINCE WILLIAM CO., VA., *January* 8, 1849.

It would give me great pleasure, had I the opportunity or the power, to co-operate with you in founding the Smithsonian Institution on a permanent basis, and in extending its sphere of usefulness in the manner requested in your circular, dated November 17th, 1848. I have read the "Programme of the Institution," and it appears to me to be so full and so complete, in every respect, that there is no room for suggestions of alterations or additions. I will ask if nothing is to be said in the "reports, giving an account of the new discoveries in science" on the progress of mathematical science, and if the close connection between this science and some of those mentioned does not demand that something be said of it? Is there any science in which so little has been effected by Americans as in this?

From Andrew Wylie.

INDIANA UNIVERSITY,
BLOOMINGTON, INDIANA, *January* 9, 1849.

As you have requested, I venture to make the suggestion whether an annual review of the current, or rather of the

emergent literature of the United States, to be published somehow under the auspices of the Smithsonian Institution, might not do good, requesting all authors to send the offspring of their brain to the Institute for inspection, dissection, rejection, selection, as the case might require. Most, we may suppose, would be inspected and rejected at sight; still a good thing worth preservation might be picked out now and then which otherwise the public would know nothing about.

From A. P. Stewart.

CUMBERLAND UNIVERSITY,
LEBANON, TENN., *January* 9, 1849.

I am requested by the faculty of this institution, to say, in reply to your communication to the president of 17 Nov. last, that the Programme of the Smithsonian Institution, a copy of which was enclosed with the communication referred to, is highly approved by them. From the examination they have been able to give to the subject, they are of the opinion that the plan adopted, is, perhaps, the best that could have been devised for promoting the objects of the testator. They feel greatly interested in the success of an Institution, whose objects are the increase and diffusion of knowledge among men, and will cordially co-operate in furthering these ends, so far as they may be able or as may be required; but are not aware of any important suggestion they could make, that has not already occurred to the managers of the enterprise, in whose wisdom and ability they have full confidence.

From C. W. Parsons.

RHODE ISLAND HISTORICAL SOCIETY,
PROVIDENCE, *January* 17, 1849.

The donation from the Regents of the Smithsonian Institution, with the accompanying circular, programme, &c., presented to the Rhode Island Historical Society, were duly received, and a committee was appointed with instructions to report a suitable reply. At the regular meeting, January 16th, this committee made a report, through its chairman, Prof. Gammell of Brown University. The following resolutions, recommended in this report, were, after full consideration and discussion, unanimously adopted by the Society.

"1. *Resolved*, That the thanks of the Society be presented to the Regents of the Smithsonian Institution, for the copy of the first volume of the Smithsonian Contributions to Knowledge, lately received from them—a work which we deem of the highest value and importance in the department of knowledge to which it relates.

"2. *Resolved*. That in the opinion of this Society, the programme of the Institution submitted in connection with the above-named volume, embraces a comprehensive and impartial survey of the entire field of human knowledge; that, though it contains the fullest provision for promoting the various departments of natural science, yet it by no means neglects the cultivation of general literature, art, or history, and that the plan which it unfolds of collecting a library, of encouraging investigation and research, and publishing their results, is in the good judgment of this Society, worthy of the approbation of the public, and of the co-operation of literary and scientific bodies and individuals throughout the country, and is in all respects suited to further the "increase and diffusion of knowledge among men," the high ends had in view by the munificent founder of the Institution.

"3. *Resolved*, That this society respectfully commends to the consideration of the Regents, as worthy of a prominent place among the subjects of their countenance and patronage, the science, statistics, and the various public interests and results connected with popular education, as it is found in the different countries of the civilized world.

"4. *Resolved*, That the Secretary be requested to furnish the information concerning the collections of this society, which is asked for in the Circular of the Regents of the Smithsonian Institution, and also to transmit to the Secretary of that Institution a copy of the foregoing resolutions."

The *circular* and *inquiries* are in the hands of the appropriate officers, and the information requested will be early forwarded.

From David Elliott.

WESTERN THEOLOGICAL SEMINARY,
ALLEGHENY CITY, PENN., *January* 30, 1849.

The Programme submitted embraces a range of subjects of great utility, and, as far it goes, meets my approbation. The discussion of these various subjects, by competent persons, and the diffusion of knowledge respecting them, cannot fail to elevate the literary character of the country, and add to its general intelligence.

As you have invited suggestions, I would respectfully submit whether natural theology and the evidences of Christianity might not be included in the second class of subjects to be embraced in the reports. These are not so strictly professional as to forbid their admission to a share in the labors of an Institution established "for the increase and diffusion of knowledge among men." Lord Brougham, who has written a treatise on the former, has defined "the place and the claims of natural theology among the various branches of human knowledge"—(Dedication to his Discourse on Natural Theology.) And Addison, Soams, Jenyns, and Erskine, without any professional sympathies, have considered the evidences of Christianity a legitimate subject of historical and philosophical inquiry. Might not these subjects, then, be added to your list without impinging upon the liberal and catholic character of your Institution?

From the American Antiquarian Society.

WORCESTER, MASS., *January* 31, 1849.

The Publishing Committee of the American Antiquarian Society, to whom was referred the "Programme for the Organization of the Smithsonian Institution," beg leave to report as follows:

The joint letter of the Secretary and Assistant Secretary of the Institution, which accompanied the copy of the Programme forwarded to this Society, contains the following request:

"Should the Programme meet with your approbation, we beg leave to request that you will favor us with a written expression of your approval; that you will furnish us with any suggestions relative to the subject which may be deemed of importance, and give us your co-operation in cases where it may be required."

Although the plan of organization proposed for consideration has now been so long before the public, sustained and sanctioned by able men and learned associations most competent to judge of its merits, as to render further testimony of little importance, the Antiquarian Society are happy to avail themselves of the opportunity to express their interest in the purposes of the Smithsonian Institution, their confidence in the gentlemen to whom the management of its concerns has been intrusted, and their cordial desire to co-operate in whatsoever manner the objects of their own establishment may render practicable.

The system suggested by Professor Henry, and his assistant, is so concisely yet clearly stated by themselves, that it is difficult to present its general principles, and the modes of operation which it contemplates, in an abridged form. If, however, the leading principles are just, it may be safe to conclude that a judicious application of them in practice will result from the present wisdom, or ultimate experience, of those who are charged with their administration.

The proposed organization is deduced from certain general considerations which are expressed in the form of an introduction to the details of the plan. The most prominent of these are—" 1st. That the property is bequeathed to the United States, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men. 2d. The bequest is for the benefit of mankind; the Government of the United States being merely a trustee to carry out the design of the testator. 3d. The Institution is not a national establishment, as is frequently supposed, but the establishment of an individual, and is to bear and perpetuate his name. 4th. The objects of the Institution are—1st, to increase, 2d, to diffuse knowledge among men. 5th. These two objects must not be confounded with one another. 6th. The will makes no restriction in favor of any particular kind of knowledge; hence all branches are entitled to a share of attention."

In accordance with the foregoing, and other deductions from the will of Smithson, it is proposed to increase knowledge in two ways, viz.: " To stimulate men of talent to make original researches by offering suitable rewards for memoirs containing new truths; and, secondly, to appropriate annually a portion of the income for particular researches, under the direction of suitable persons," the results of these researches to be published in a series of volumes, entitled Smithsonian Contributions to Knowledge. As a security against the adoption of unverified speculations or imperfectly conducted researches, it is suggested, that every memoir should be submitted for examination to a commission of persons of reputation for learning in the branch to which the memoir pertains, and to be accepted only in case the report is favorable. Moreover, a positive addition to human knowledge, resting on original research, is to be demanded; and the appropriations in different years are to be to different subjects, so that each branch of knowledge may receive a share.

It will be seen that, in this division, the increase and the

diffusion of knowledge are both combined, as of necessity they must be. But for the simple diffusion of knowledge already in existence, another arrangement is contemplated, viz.: 1st. "The publication of a series of reports, giving an account of the new discoveries in science, and of the changes made from year to year in all branches of knowledge not strictly professional." 2d. "The publication of separate treatises on subjects of general interest." It is proposed that the reports shall embrace not only physical, but moral and political subjects, and also literature and the fine arts; similar precautions with those before stated being adopted to insure the substantial value of whatever shall be published.

This scheme of operation it is supposed may be carried into execution, in accordance with the act of Congress which requires the formation of a library and museum, by dividing the income into two equal parts—one part to be appropriated to the increase and diffusion of knowledge, by means of publications and researches, as already stated; the other to be appropriated to the formation of a library, and a collection of objects of nature and art.

It is understood that the interest which has accumulated on the bequest of Mr. Smithson, since it came into the possession of our Government, furnishes a fund sufficient for the erection of such edifices as are immediately required; and when we reflect that the collections of the Exploring Expedition, those of the Commissioner of Indian Affairs, and those of the Patent Office, and the deposits that are constantly flowing into the Government from all parts of the world, through the agency of our army and navy officers, and consuls, may, according to the act of Congress, establishing the Smithsonian Institution, be entrusted to its care, it will be perceived that little outlay need be devoted to the museum and cabinet beyond the expenses of arrangement and supervision.

For the foundation of a library, the Programme contemplates, first, a collection of such works as are required for conducting its active operations, viz., the transactions and proceedings of all the learned societies in the world, the current periodical publications necessary in preparing periodical reports, and such catalogues of books, and other materials, as will render the Institution a centre of bibliographical knowledge, whence the student may be directed to any work he shall require; and, in addition to these, the valuable books first purchased to be such as are not now to be found in the United States.

In the above summary, it is believed, are embraced the

leading and controlling principles of organization and operation embodied in the Programme, omitting details that simply elucidate their practical execution.

There are, however, two practical suggestions that are worthy of being particularized. One is, that the Institution should aim to produce results which cannot be produced by the existing institutions of the country. The other, that, as in proportion to the wide field of knowledge to be cultivated, the funds are small, economy should be consulted in the construction of the buildings; and not only the first cost of the buildings be considered, but the expense of keeping them in repair, and of the support of the establishment necessarily connected with them. Moreover, that there should be but few individuals supported by the Institution.

Two officers only are named as demanded by the present wants of the Institution. The Secretary, who is general superintendent of the literary and scientific operations, and editor of its publications, and the Assistant Secretary, who is acting librarian, and joint editor of the publications of the Institution. These officers are also expected, occasionally, to illustrate new discoveries in science, and exhibit new objects of art, by lectures during the session of Congress.

It is certainly gratifying to feel assured that the splendid bequest of Smithson is not to be exhausted in costly buildings, like the great public legacy of a late American citizen. It is well, also, that the trust is not to be in a measure perverted to local purposes, by confining its resources to the establishment of a national library. The plan of rendering it the seat and centre of vital energy and activity to the science and literature of a youthful republic, an ever pulsating heart, distributing life and strength throughout the body politic of letters, prompting, sustaining, and guiding every department of intellectual exertion here, and thus effecting an influence upon mankind at large, is not only more accordant with the intentions of the philanthropic testator, but is in itself a nobler enterprise. As an exponent of universal science for our whole country; as the headquarters of bibliographical information; and as a register of the progress of knowledge, where the latest achievements of the human mind may be found—in mercantile phrase—"posted up" for convenient reference, and the farthest footsteps of the last traveller in the paths of learning duly noted for the benefit of subsequent adventurers, the Smithsonian Institution may equally fulfill the design of its founder.

It is true that its operations will sometimes be carried into

fields for whose culture particular institutions have been established; yet no ungenerous rivalry need spring from this cause. Its earliest enterprise happens to have been upon ground first occupied by our own association; and the beautiful manner in which the pioneer labors of this society have been illustrated, verified, and extended, by the elaborate and expensive publication of recent investigations, can nowhere afford more sincere gratification. But the Smithsonian Institution is destined to occupy a position that no other does fill or can fill; its labors are for the common benefit of our country and mankind; and institutions of a more limited character should (each in its sphere) be disposed to render heartily such co-operation as is appropriate to the purposes of their respective foundations.

All which is respectfully submitted.

For the committee:

SAM'L F. HAVEN, *Chairman.*

At a meeting of the council of the American Antiquarian Society, January 31, 1849, the foregoing report having been read and accepted, it was—

Voted, That a copy be transmitted to the Secretary of the Smithsonian Institution.

Attest: SAM'L F. HAVEN,
Recording Secretary pro tempore.

From Henry Smith.

MARIETTA COLLEGE,
MARIETTA, OHIO, *February* 1, 1849.

Highly approving the principles and plan set forth in the "Programme of Organization of the Smithsonian Institution," it will give both myself and my colleagues great pleasure to co-operate with the conductors of the Institution in any way in our power, in accomplishing the benevolent and important designs which it has in view.

From B. Manly.

UNIVERSITY OF ALABAMA,
TUSCALOOSA, ALA., *February* 5, 1849.

The Programme of the Smithsonian Institution we have examined, and find nothing to suggest, save this, that the longitude of places, where occultations and lunar culminations are regularly observed, may be determined independently of solar and lunar tables, it is desirable that these observations be statedly published. We have thought that

the Smithsonian Institution might undertake to do this, in a monthly or quarterly bulletin.

We will cheerfully co-operate in the astronomical department (now under the charge of Prof. L. C. Garland) by observing as many occultations as circumstances permit.

As respects a meteorological journal, or a series of observations in that department, our officers are collecting and repairing the few imperfect instruments we have, and are willing to do all they can. But they apprehend that, without more perfect means at their command, they will not be able to do enough to serve the purposes of scientific induction.

From Joseph Estabrook.

EAST TENNESSEE UNIVERSITY,
KNOXVILLE, TENN., *February* 9, 1849.

At a special meeting of the Faculty of East Tennessee University, held 9th February, 1849, the President presented the "Programme of Organization of the Smithsonian Institution, accompanied by a circular of the Secretary and Assistant Secretary, asking his views in relation thereto, and requesting his co-operation in cases where it may be required.

The President expressed his desire that the Faculty would consider this part of the circular as addressed to them collectively, rather than to himself individually; whereupon it was—

Resolved, That the Faculty take a lively interest in the operations of the Smithsonian Institution; that they have carefully examined the Programme put forth by the Secretary, and, in general, highly approve the views therein contained, and that they will cordially co-operate with the officers of the Institution in their high endeavors "for the increase and diffusion of knowledge among men."

It was observed by the professor of natural sciences that he had commenced a careful series of meteorological observations expressly for the Institution; and other members of the Faculty expressed their willingness to prepare memoirs on subjects connected with their respective pursuits.

From F. A. Muhlenberg, Jr.

FRANKLIN COLLEGE,
LANCASTER, PENN., *February* 10, 1849.

Permit me to state, in reply to your interrogatory, that in general, I approve of the plan of organization, &c., as con-

tained in the pamphlet you sent me, and think it excellent and judicious. Of course difference of mental or bodily constitution, natural or acquired preferences, will cause men to differ as to the minute details of any plan prepared by others, and perhaps to find fault with, as they think, the too great prominence given to particular branches. This might be the case with myself, but I do not regard it of sufficient importance to communicate; for if such be the fact, it will correct itself in time. The practical working of the Institution will show better than all theories the best improvements of the plan of organization. As a commencement, in my humble opinion, the plan is a very excellent one; and under the superintendence of its distinguished and able officers, I have no doubt it will be very successful in promoting the noble object of Smithson, "the increase and diffusion of knowledge among men." Though, however, in the language of Smithson, "the man of science has no country," I think a *good degree of preference* ought to be shown to American and English authors.

From Horace Webster.

FREE ACADEMY, N. Y., *February* 17, 1849.

The Programme accompanying your communication was duly received. It contains, so far as I am able to judge, all that is essential and important to a most wise and judicious organization of the Smithsonian Institution.

From David L. Swain.

UNIVERSITY OF NORTH CAROLINA,
CHAPEL HILL, *February* 17, 1849.

I have examined carefully the Programme of the Smithsonian Institution. It appears to me to be exceedingly comprehensive, and, in general, to be well arranged. Were I impressed even less favorably with the leading features of the scheme, I should hesitate about proposing immediate alterations. Time, the greatest, though most gradual of innovators, may disclose defects and suggest improvements, and I can but think it will be commendable prudence to permit the Institute to abide this test, under its present organization.

It will afford me high gratification to have it in my power to co-operate in any measure which may promise in any degree a fulfilment of the great design of the founder.

From Josiah L. Pickard.

PLATTEVILLE ACADEMY,
PLATTEVILLE, WIS., *March* 13, 1849.

The Programme, contained in the report, meets our hearty approval; and I am authorized by the board of trustees of this institution, by a resolution passed at their last meeting, (a copy of which you will please find below,) to assure you of all assistance in our power to render, for the furtherance of the noble objects contemplated by the Smithsonian Institution.

From S. A. Bronson.

KENYON COLLEGE,
GAMBIER, OHIO, *March* 15, 1849.

With your Programme I am highly gratified, and shall be happy to further your objects in any way that I am able. In pursuance with this, I would now suggest the propriety, if it falls in with your plan, and you are prepared to ask it, to call upon H. L. Thrall, M. D., professor of chemistry in this institution, to furnish a report upon the present state of the knowledge of electricity, and its relation to light, heat, gravitation, &c., &c.; in short, of the axial forces of matter, I think he would make a report that would not only tend to diffuse knowledge, but to increase it upon this interesting topic.

From John Williams.

TRINITY COLLEGE,
HARTFORD, CONN., *March* 20, 1849.

It must be quite superfluous for me to even express approbation of a plan so wisely matured and digested as that contained in the Programme; and it would be more than superfluous to suggest any improvements. If I might, however, venture in a word, I would express the hope that a good deal of attention will be devoted to the publishing of works bearing on our history. There are many such works which will see the light in no other way.

From D. N. Sheldon.

WATERVILLE COLLEGE,
WATERVILLE, ME., *March* 24, 1849.

I have taken some time to consider the subject, and now say in a single sentence, and in a general way only, (for there is no time to go into details,) that the plan of organi-

zation set forth in the Programme appears to me to be comprehensive and satisfactory.

From B. H. Ragsdale.

JACKSON COLLEGE,
COLUMBIA, TENN., *April* 25, 1849.

The Programme has come to hand, but not having examined it thoroughly we can express no decided opionion for or against it.

Be assured that we will gladly co-operate with you in your enterprise, so far as we can under the circumstances.

From W. F. Hopkins.

MASONIC UNIVERSITY OF TENNESSEE,
CLARKSVILLE, *May* 11, 1849.

So noble a beginning speaks highly of the liberal spirit in which the objects of the Institution are to be carried out.

Permit me to express my unqualified admiration of the plan of operation developed in your Programme. It seems to me to combine, most wisely and happily, the utmost practicable liberality, with the most faithful regard to the expressed will of the founder. I need not say that if, in my limited sphere, I can contribute, even in the humblest degree, to the grand and beneficent objects of the Smithsonian Institution, I shall feel both proud and happy in doing so.

From B. P. Johnson.

STATE AGRICULTURAL ROOMS,
ALBANY, N. Y., *May* 14, 1849.

I am highly pleased with the Programme of the Smithsonian Institution, and it will give me great pleasure to furnish you, on the part of our Society, every co-operation in our power, to enable you successfully to carry out the very laudable objects of the Institution.

From J. S. Bacon.

COLUMBIAN COLLEGE,
WASHINGTON, D. C., *July* 28, 1849.

I will only say, in general terms, that I like the "Plan" presented—in most respects, much. It covers a very wide field, and is well calculated to direct the attention of intelli-

gent men to a vast number of interesting and important objects to which their researches and observations ought to be extended. It exhibits too, in a very striking light, the great deficiency which exists among us in the means and resources for conducting extensive inquiries, or for pursuing thorough investigations upon many—nay, indeed, upon almost any important subject. With this view, my own feelings would have led me—and I dare say I am not alone in this—to desire that a greater *share* of the appropriation should have been made—*at first*—for the purchase of books and for the more rapid accumulation of such a library as is ultimately contemplated, and a greater share also to providing apparatus and instruments—all the means and facilities requisite for pursuing original scientific investigations on a more extended scale here, in Washington. I should probably have given to the will of the donor a somewhat stronger interpretation in that direction, especially as he chose to give to his Institution "a local habitation and a name," here, in the metropolis of the nation. Still, this might have been deemed less liberal and less catholic in spirit, and it is, perhaps, better as it is. I certainly have the greatest confidence in the wisdom and discretion of the able and judicious men who have adopted the present arrangement, and should not for a moment think of placing my own judgment in competition with theirs.

The objects embraced in the present plan are all of them important, all valuable, and I should feel the greatest pleasure in being able to contribute, in the smallest degree, to the attainment of any of them. Great credit is certainly due to those who have conceived, and thus far matured the plan for the liberality and comprehensiveness of their views. And it cannot be doubted that all the true friends of learning—all who can appreciate the value of real knowledge and the importance of its "diffusion among men"—will hail with pleasure the adoption of such a plan, with such means for carrying it into execution, and will be ready, by their countenance and co-operation, to aid in carrying out its noble objects to their fullest and happiest results.

Permit me, gentlemen, to congratulate you upon the very favorable auspices under which your labors have been commenced, in connection with the Smithsonian Institution, and to express the hope that, in your future efforts, with the ample means placed within your reach, "for the increase and diffusion of knowledge among men," you may not only be cheered by abundant evidences of success, but by the approbation of a liberal and enlightened public.

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